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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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ILLINOIS REGISTER

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 14, 2000: Data Through March 31, 2000
 Issue 29 - July 14, 2000: Data Through June 30, 2000
 Issue 42 - October 13, 2000: Data Through September 30, 2000
 Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED AMENDMENTS

Suite 14-100
Chicago IL 60601
312/814-6477

or at a public hearing to be held on September 1, 2000 at the State Board of Elections' permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois, and on October 16, 2000 at the Board's principal office, 1020 S. Spring Street, Springfield, Illinois. Please contact the Board's offices for verification of hearing time, room and date.

12) Initial Regulatory Flexibility Analysis:

- A) Types of Small businesses affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment is identical to the text of the emergency rulemaking appearing in this issue of the *Illinois Register* on page **13041**

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Campaign Financing Act

- 2) Code Citation: 26 Ill. Adm. Code 100

- 3) Sections Numbers: 100.70
Proposed Action: Amend

- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code and authorized by Section 9-15(3) of the Illinois Election Code [10 ILCS 5/Art. 9 and 9-15(3)].

- 5) A Complete Description of the Subjects and Issues Involved: Revises the schedule of civil penalties to conform to the newly-imposed requirements of P.A. 90-737.

- 6) Will this proposed rulemaking replace an rulemaking amendment currently in effect? Yes

- 7) Does the rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.10	Amend	10/22/99, 23 Ill. Reg. 12924
100.20	Amend	10/22/99, 23 Ill. Reg. 12924
100.40	Amend	10/22/99, 23 Ill. Reg. 12924
100.50	Amend	10/22/99, 23 Ill. Reg. 12924
100.60	Amend	10/22/99, 23 Ill. Reg. 12924
100.70	Amend	10/22/99, 23 Ill. Reg. 12924
100.80	Amend	10/22/99, 23 Ill. Reg. 12924
100.90	Amend	10/22/99, 23 Ill. Reg. 12924
100.100	Repeal	10/22/99, 23 Ill. Reg. 12924
100.110	Amend	10/22/99, 23 Ill. Reg. 12924

- 10) Statement of Statewide Policy Objectives: The rule proposed neither creates nor expands State mandates for units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing, within 45 days after publication of this notice, to:

State Board of Elections
A. L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers:
 120.90 Repeal
 120.91 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The rules pertaining to the Migrant Medical Program are being proposed for repeal because the program has been eliminated. In the past, this special program was necessary to allow access to medical coverage for migrant workers because they were not considered to be Illinois residents. However, the Public Aid Code has been amended at 305 ILCS 5/5-3 to specify that any person living in Illinois, including persons who are migrant workers, may qualify for medical assistance. "Migrant worker" is described as a person residing temporarily and employed in Illinois who moves seasonally from place to place for the purpose of employment in agricultural activities. Because of these provisions, migrant workers may qualify for coverage under the Department's medical assistance program. Dependents of such workers may also be eligible for medical benefits if they are living with the migrant workers during the period of residence and employment in Illinois. Since migrant workers and their dependents have the same access to medical assistance as other eligible residents, the Migrant Medical Program contained in Part 120, Subpart F, is no longer needed. The repeal of these rules will not result in any budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 120.20 | Amendment | July 14, 2000 (24 Ill. Reg. 10056) |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
 Office of the General Counsel, Rules Section
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763-0002
 (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
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120.40 Exceptions To Use Of MANG Income Standard
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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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Section
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120.91 Income Standards (Repealed)

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120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
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120.217 Supplemental Payments (Repealed)
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120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
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120.255 Protected Income (Repealed)
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120.271 Income From Work/Study/Training Program (Repealed)
120.272 Earned Income From Self-Employment (Repealed)
120.273 Earned Income From Roomer and Boarder (Repealed)
120.275 Earned Income In-Kind (Repealed)
120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
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DEPARTMENT OF PUBLIC AID

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DEPARTMENT OF PUBLIC AID

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AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg.	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; amended at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 23, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 19872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5639, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 11, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg.

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10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 14, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8716, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 3260, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5069, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 27, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10422, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART F: MIGRANT MEDICAL PROGRAM

Section 120-90 Migrant Medical Program (Repealed)

- a) The Department administers the Migrant Medical Program (MMP) which provides medical assistance to eligible migrants and their dependents.
- b) 90--be--eligible--for--MMP--benefits--a--migrant--must--be--employed--in--Illinois--and--the--migrant--and--each--dependent--for--whom--assistance--is--required--must:
- 1) be residing together in Illinois as a family group; and
 - 2) be a citizen, a legally admitted alien or an alien residing in

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- c) It is not necessary to establish a specific relationship to be considered a dependent of a migrant worker.
- d) There must be a medical care need for MMP eligibility to exist. MMP income and assets standards shall be the same as those for the AMI program, and MMP eligibility shall be determined for periods of three (3) calendar months. Financial eligibility for MMP benefits exists when the estimated amount of non-exempt income and assets over the three (3) month period which is in excess of the appropriate MMP income standard will not meet the estimated cost of allowable medical care.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 120-91 Income Standards (Repealed)

- a) The AMI income standard applies to both family and adult MMP cases.

Number in Family	Monthly Net Income	6-Months Net Income
1	\$150	\$450
2	200	600
3	250	750
4	300	900
5	350	1050
6	400	1200
7	450	1350
8	500	1500
9	550	1650
10	600	1800
More than 10	Add \$50 for each additional family member	Add \$150 for each additional family member

- b) The following provisions apply to the MMP program as they apply to the AMI program:
- 1) Client and Department rights and responsibilities
 - 2) Application for assistance
 - 3) Client cooperation
 - 4) Assets
 - 5) Income
 - 6) Personal Injury
 - 7) Standards
 - 8) Case records
 - 9) Provision of medical services
 - 10) Burials and burials

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ii) Excess-Assistance:

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: 1030.84
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides that applicants for a road test are currently required to affirm in writing that the vehicle for the test drive is insured pursuant to the Illinois Mandatory Insurance Law. Under this amendment, applicants will be required to produce proof of insurance.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate on local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date of this Illinois Register. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: On July 1, 2000, the Office of the Secretary of State entered into a collective bargaining agreement with the Service Employees International Union, which represents Secretary of State employees working in driver's license facilities. The new agreement provides that an applicant will be required to show proof of insurance prior to a road test.

The full text of the proposed amendment is identical to the text of the Emergency Rulemaking appearing on page **13046** in this issue of the Illinois Register.

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- 1) Heading of the Part: Prequalification of Contractors and Issuance of Plans and Proposals

- 2) Code Citation: 44 Ill. Adm. Code 650

- 3) Section Numbers: Proposed Action:

650.20	Amend
650.30	Amend
650.40	Amend
650.50	Amend
650.70	Amend
650.110	Amend
650.130	Amend
650.140	Amend
650.160	Amend
650.170	Amend
650.190	Amend
650.200	Amend
650.240	Amend
650.260	Amend
650.280	Amend
650.290	Amend
650.300	Amend
650.310	Amend
650.320	Amend
650.330	Amend
650.350	Amend
650.360	New Section
650.370	New Section
650.380	Amend
APPENDIX A	Repeal
APPENDIX C	Repeal
APPENDIX E	Repeal

- 4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

- 5) A complete description of the subjects and issues involved: This Part is the primary means by which the Department of Transportation determines the responsibility of bidders on competitively bid contracts to undertake and complete the work to be accomplished. By this rulemaking, the Department is proposing to amend Part 650 to clarify and to revise existing provisions in order to strengthen the review process and the assessments made. Among the significant changes:

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At Section 650.30(g), out-of-state prequalified contractors will be required to staff, and maintain an office located within Illinois as the principal office for contact and business with the Department.

At Section 650.110(c), the rule is being amended to make clear that denial or revocation of prequalification applies to related companies that have the same ownership, management or control as the denied or revoked firm in order to avoid circumvention attempts.

At Section 650.140, ratings transfer between companies is being abolished, and instead, at Section 650.190(e), related companies may be prequalified with financial ratings based upon the financial assets of the group of companies provided that the operational roles of the related companies are consistent with the work ratings sought.

At Section 650.200, the pledging of assets is being abolished as a means of increasing the financial rating of a company. Pledged assets are not always readily available for performance of contracts.

At Section 650.240(d), (e) and (f), the calculation of the work rating performance factor is more clearly described. Additionally, the threshold for denial or revocation based upon poor performance is strengthened to allow action if a performance evaluation of less than 4 is received in one year, or if less than 6 for two years.

At Section 650.260, equipment pledges are being abolished as a means of establishing equipment possession for work ratings. Enhanced possession requirements better insure availability of equipment supporting a work rating.

At Sections 650.310 and 330, financial rating levels controlling affidavit submission and unrestricted bid authorization are being increased. Work rating levels controlling affidavit submission and unrestricted bid authorizations are being increased. The increases will require more contractors to submit information regarding work in progress.

A new Subpart C titled Subcontractor Registration is being added to implement a registration process for subcontractors.

- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government or not-for-profit corporations.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Mr. Mike Renner, Engineer, Prequalification Section
Illinois Department of Transportation
Room 322
2300 S. Dirksen Parkway
Springfield, Illinois 62764
(217)782-3413

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not impact small businesses differently than any other business seeking prequalified status with the Department.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

**PREQUALIFICATION OF CONTRACTORS AND
ISSUANCE OF PLANS AND PROPOSALS**

SUBPART A: PREQUALIFICATION

Section	Purpose	Responsibility
650.10	Definitions	
650.20	Introduction to Prequalification	
650.30	Application Requirements	
650.40	Time for Submission	
650.50	Public Disclosure of Contractor Information	
650.60	Waiver of Prequalification and Additional Considerations	
650.70	Issuance and Effect of Ratings	
650.80	Effective Date of Ratings	
650.90	Expiration Date of Ratings	
650.100	Denial or Revocation of Ratings	
650.110	Extension of Ratings	
650.120	Revisions to Prequalification Ratings	
650.130	Transfer of Prequalification Ratings	
650.140	Reconsideration and Appeal	
650.150	Financial Rating - General	
650.160	Financial Statement	
650.170	Balance Sheet Schedules	
650.180	Other Factors Considered in Determining Financial Ratings	
650.190	Methods of Improving a Financial Rating	
650.200	Computation of Financial Rating	
650.210	Work Rating - General	
650.220	Determination of Work Ratings	
650.230	Performance Factor (PF)	
650.240	Experience Factor (EF)	
650.250	Equipment Factor (EqF)	
650.260	Capacity to Perform (CP)	
650.270	Calculation of Work Ratings	
650.280		

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section	Advertising for Bids
650.290	Request for Proposal Forms and Plans; Authorization to Bid
650.300	Affidavit of Availability
650.310	

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650.315	Disclosure of Other Procurement Relationships
650.320	Analyzing Requests for Authorization to Bid
650.330	Issuance of Authorization to Bid
650.340	Joint Ventures
650.350	Denial of Authorization to Bid

SUBPART C: SUBCONTRACTOR REGISTRATION

Section	Purpose
650.360	Registration of Subcontractors
650.370	Eligibility to Quote or Perform Subcontract Work
650.380	

APPENDIX A	AVAILABLE WORK CATEGORIES
APPENDIX B	REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS
APPENDIX C	FINANCIAL PLEDGE LETTERS (Repealed)
APPENDIX D	FINANCIAL VERIFICATION LETTER
APPENDIX E	CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: PREQUALIFICATION

Section 650.20 Definitions

"Affidavit of Availability" - A sworn affidavit indicating all work under contract, pending awards, all subcontracts and value of subcontracts.

"Affiliate" - A member of a group of two or more companies related to one another through common ownership, common management, common control or the power to exercise common control. Two corporations are affiliated when one owns less than a majority of the voting stock of the other, or when both are subsidiaries of a third corporation.

"Applicant" - Any prospective contractor who has applied for prequalification in compliance with the procedures delineated in this Part. "Applicant" may be used interchangeably with "contractor" throughout this Part.

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"Application for Prequalification" - A package of forms titled, "Contractor's Statement of Experience and Financial Condition" (form EC-8) required to be submitted by an applicant in support of its request for a determination of responsibility and a prequalification rating.

"Authorization to Bid" - The permission given to a contractor to submit a bid on a given Department letting item and the permission to have that bid read.

"Available Bidding Capacity" - The applicable available work ratings and the available financial rating.

"Available Financial Rating" - Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" - The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Appendix A of this Part).

"Certificate of Appraiser" - The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

"Certificate of Eligibility" - A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Combining Combined Financial Statement" - A comprehensive financial statement that presents the assets, liabilities, net worth, and operating figures of two or more affiliated companies. The statement presents each affiliate's financial data in separate, adjacent columns and a total column for the combined affiliate data. ~~the accounting data of affiliated companies combined to form a single economic entity;~~

"Consolidated Financial Statement" - A financial statement that presents the assets, liabilities, and operating accounts of a parent company and its subsidiaries. ~~the accounting data of parent and subsidiary companies combined to form a single economic entity;~~

"Contract" - The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder,

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including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" - The individual, partnership, or corporation or other business entity recognized by law contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility. "Contractor" may be used interchangeably with "Applicant" throughout this Part.

"Department" - The Illinois Department of Transportation.

"Department of Human Rights Identification Number" - A number assigned to an applicant who has prequalified with the Department of Human Rights.

"Director" - The Director of the Division of Highways or the Director's designee.

"District Engineer" - The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.

"Engineer of Construction" - The individual responsible for directing the development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" - The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" - A presentation of financial data, including accompanying notes, derived from accounting records that are intended to show an applicant's economic resources and obligations at a point in time or the changes therein for a period of time in conformity with a comprehensive basis of accounting. ~~a complete report of the applicant's financial status set forth on a balance sheet displaying the applicant's assets, liabilities and net worth.~~

"Joint Venture" - Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

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"Letter of Subordination" - A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" - Total assets minus total liabilities.

"Official Newspaper" - ~~The one designated as such by the Department of Central Management Services.~~

"Parent" - A corporation that owns or controls subsidiary companies through the ownership of voting stock. A parent corporation is usually an operating company in its own right. Where the parent has no business of its own, the term "holding company" may apply. A ~~corporation that owns more than half of the stock of another corporation.~~

"Prequalification" - The rating process established by the Department which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" - The section within the Bureau of Construction of the Department responsible for determining responsibility, financial ratings, work ratings, and the issuance of bidding proposals.

"Request for Proposal Forms and Plans and Request for Authorization to Bid" - A form provided by the Department to assist a contractor in making a formal request for plans and proposal forms, and subsequent authorization to bid on one or all of the proposals requested.

"Responsibility" - The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance.

"Specialty Items" - Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" - A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" - A corporation having more than 50% of the voting half

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of its stock owned by another corporation called the "parent".

"Transportation Bulletin" - The public document which is the official publication and invitation issued by the Department for bids on construction projects.

~~"Unlimited Rating" - A financial rating in excess of \$75 million or a work rating in excess of \$25 million.~~

"Working Capital" - Current assets less applied discounts and current liabilities.

"Work Rating" - The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.30 Introduction to Prequalification

- a) As required by this Part, each contractor bidder shall be prequalified prior to being considered for issuance of an Authorization to Bid on contracts advertised by the Department.
- b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.
- c) Upon receipt of a completed application, the Prequalification Section evaluates the information, determines the responsibility of the applicant and calculates a prequalification rating for the applicant.
- d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures used by the Prequalification Section to determine these two subratings are delineated in this Subpart.
- e) After the Prequalification Section determines the applicant to be responsible and calculates the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.
- f) Pursuant to the Code, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining Authorization to Bid on ~~bidding~~ ~~proposal forms and plans~~ for contracts which are subject to the competitive bidding requirements of the Code. Information and forms concerning the rules of IDHR may be obtained from: Illinois Department of Human Rights

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Public Contracts Division
100 West Randolph - Suite 10-100
Chicago, Illinois 60601
(312) 814793-2431

- g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. In addition, out-of-state prequalified contractors are required to staff and maintain an office located within the geographic boundaries of the State of Illinois. The in-state office will be the primary office at which all business with the Department will be conducted. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
Centennial Building
4th Floor
Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.40 Application Requirements

- a) The Department shall furnish an application for prequalification to all prospective contractors who request such material. Requests shall be made by letter or telephone to:

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764
(217) 782-6667

- b) An application for prequalification shall be submitted on the form furnished by the Department and in accordance with this Part.
c) An application for prequalification shall consist of the following information:

- 1) The applicant's name, address, telephone number and telex number;
- 2) The applicant's Federal Employer's Identification Number (F.E.I.N.) or social security number if the applicant does not have a F.E.I.N.;
- 3) The applicant's Illinois Department of Human Rights Identification Number and registration expiration date;
- 4) The applicant's completed Statement of Experience and Financial Condition;

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- 5) All other information required by this Part or requested by the Prequalification Section.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.50 Time for Submission

- a) The Department's Prequalification Section must receive the completed application for prequalification no later than 4:30 p.m. prevailing time no later than twenty-one days prior to the scheduled date of the letting for which the applicant desires to bid. If the day of receipt falls on a weekend or a holiday, the following work day will determine the cut-off. The Department gives public notice of the letting dates and cut-off dates in the Transportation Service Bulletin. The Prequalification Section will make its determination at least three days prior to the relevant letting date. Additional information to amend current prequalification ratings is also subject to the above submission requirements.
b) If additional projects are advertised for a letting through the issuance of a supplemental bulletin, the day of receipt for application forms or additional information is seven days after the date of issuance of the supplemental bulletin to submit bids on those projects advertised in the supplemental bulletin.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.70 Waiver of Prequalification and Additional Responsibility Considerations

- a) Prequalification may be waived for selected contracts advertised in the Transportation Service Bulletin. In such contracts, the manner of determining bidder responsibility will be stated in the advertised contract and Transportation Service Bulletin. Contracts in which such waiver may be made include, but are not limited to, contracts that require specialized skills not covered by available work categories, contracts for furnished manufactured products or contracts in which a waiver is necessary to achieve sufficient competition. However, contractors must still obtain an Illinois Department of Human Rights Identification number and comply with the procedures of Subpart B of this Part.

- b) The Department may advertise in the Transportation Bulletin additional responsibility factors or amended prequalification requirements tailored to the specific contract to be procured or type of work to be performed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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Section 650.110 Denial or Revocation of Ratings

a) Prequalification ratings will be denied, or previously issued ratings will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:

- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
- 2) the applicant provided false information regarding the application;
- 3) the applicant is suspended pursuant to Sections 20-75 and 50-65 of the Illinois Procurement Code [30 ILCS 500/20-75 and 50-65] by the Department or another State agency;
- 4) the applicant is suspended or debarred by the United States through a federal agency;
- 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the Prevailing Wage Act (820 ILCS 130/11a);
- 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- 7) the applicant is debarred by the operation of the anti-bribery provisions of Section 50-5 of the Code [30 ILCS 500/50-5];
- 8) the applicant is suspended by operation of the anti-feloncy conviction provisions of Section 50-10 of the Code [30 ILCS 500/50-10];
- 9) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act [30 ILCS 580/6];
- 10) the applicant is an individual and debarred by operation of the Educational Loan Default Act [5 ILCS 385];
- 11) the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;
- 12) the applicant has failed to comply with the requirements of this Part;
- 13) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;
- 14) the applicant's performance evaluation is at or below the levels provided in Section 650.140(e) and (f) of this Part; ~~or~~
- 15) the applicant has failed to execute a contract after award, ~~or~~ has been declared in default ~~defaulted~~ or has otherwise substantially breached its obligations on any contract or contracts awarded or approved for award by the Department; ~~or~~

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16) the applicant has been convicted for the violation of any State or Federal law having relevance to the integrity and reliability of the applicant.

b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.

c) A denial or revocation will apply to the applicant or contractor named therein and to any parent, subsidiaries, affiliates or later created, established, formed or reorganized companies, firms or entities having substantially the same ownership, beneficiaries, management or control as the denied or revoked applicant or contractor. Application of the scope of a denial or revocation will be construed broadly by the Department for the express purpose of preventing the circumvention of the decisions of the Department by the means of creating new applicants for prequalification.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.130 Revisions to Prequalification Ratings

a) Revision to the financial rating that will either increase or reduce the rating may be necessary during the period it is in effect if there has been a change in status of the contractor due to reasons or events that materially impact the financial rating calculation or that affect the current responsibility of the contractor, including but not limited to those listed in this subsection (a). The Department may require a contractor to file a new financial statement at any time it considers such action to be warranted. The statement shall be filed within 30 days after such request. The prequalification of a contractor who fails to file the requested information will be revoked pursuant to Section 650.110 of this Part. The Department shall be notified by the contractor when it has knowledge of any of the following reasons or events:

- 1) The contractor experiences a has-an-organizational change involving ownership.
- 2) The contractor acquires or is acquired by another company.
- 3) The contractor incurs equipment or plant expenditures through purchase, lease or rental which totals 5 percent or more of the calculated value of the financial rating for a period of one year after the date of the financial statement. Notification of an equipment or a plant purchase should include the following:
 - A) Description (i.e., make, model, year, serial number and size or capacity);
 - B) Purchase date;
 - C) Purchase price;
 - D) Book or appraised value; and

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- B) Financial transaction (i.e., cash purchase or how financed).
- 4) Reduction of any long term notes before their due date.
- 5) The contractor incurs unanticipated stock repurchases within the period of one year after the date of the financial statement.
- 6) Contingent liabilities which are paid within one year of the financial statement.
- 7) Payment of the cash surrender value of life insurance.
- 8) The contractor incurs a judgment against it due to a lawsuit.
- 9) The contractor defaults on a loan agreement which is encumbered or pledged by current or fixed assets of the firm.
- 10) The contractor defaults on a contract not awarded or approved for award by the Department.
- 11) The contractor has experienced an event which has a present or future financial impact or reduction in working capital during the prequalification period. Subsequent events which represent a present or possible future reduction in working capital during the prequalification period will be reviewed and the Department will issue new ratings if the reduction in working capital exceeds 30 percent. The Department may request verification from the CPA when applicable.
- 12) The contractor has Department awarded or approved contract work in progress that has fallen behind the approved progress schedules applicable to the contracts involved due to performance delays caused by the contractor.

- 13) The contractor has not commenced performance of Department awarded or approved contract work as required by the contract or contracts involved due to performance delays caused by the contractor.

- b) Revision to a work rating that will either increase or reduce the rating may be necessary during the period it is in effect for events or reasons that affect the current responsibility of the contractor to undertake and complete the work category, including but not limited to those listed in this subsection (b). The Department may require the contractor to provide additional information or verification of information affecting a work rating at any time it considers such actions to be warranted. Failure to provide requested information will result in revocation pursuant to Section 650.110 of this Part. The Department shall be notified if any of the following occur:
 - 1) A change in management or departure of key staff required to maintain the work rating.
 - 2) Sale, loss, destruction, damage, obsolescing or other action affecting the availability of equipment required to maintain the work rating, or
 - 3) Cancellation of an equipment lease or rental required to maintain the work rating.

- 4) The contractor's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part.
- 5) The contractor has Department awarded or approved contract work

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in progress that has fallen behind the approved progress schedules applicable to the contracts involved due to performance delays caused by the contractor.

- e) The contractor has not commenced performance of Department awarded or approved contract work as required by the contract or contracts involved due to performance delays caused by the contractor.
- c) No revision of a prequalification rating requested by a contractor will be effective for a particular letting unless a revised application for prequalification or other supplemental information pertaining to changes is received within the time specified by Section 650.50 of this Part.

- d) Revision of a prequalification rating initiated by the Department shall be effective when issued.
- e) A revision involving the name, phone number or address of a contractor will not affect prequalification ratings. However, the Department should be notified of these changes as soon as they occur.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.140 Transfer of Prequalification Ratings

Prequalification ratings shall not be assigned or transferred by the contractor.

- a) When corporations share common stock ownership and all corporations are prequalified by the Department the rating of each company may be interchanged. The portion of the rating transferred may not exceed the level of common ownership expressed as a percentage. For example 40 percent of the stock of Company A and 30 percent of the stock of Company B are owned by the same stockholder. In this case up to 40 percent of Company A's rating may be transferred to Company B and up to 30 percent of Company B's rating may be transferred to Company A. Prequalified corporations may elect to be treated as affiliated for the purpose of rating transfer in order for a company to be treated as affiliated with another at least 51 percent of each class of stock shall be owned by the same stockholder or the same entity. The transfer need not be the wholly owned subsidiary of the transferor. All that need be established for purposes of a prequalification transfer is 51 percent controlling stock ownership between the companies. For example 51 percent of the stock of Company A and 50 percent of the stock of Company B are owned by the same stockholder. In this case all or part of Company A's rating may be transferred to Company B and all or part of Company B's rating may be transferred to Company A. If the companies elect to be treated as affiliates for prequalification purposes otherwise the companies may still follow the limited rating transfer of the common stock ownership rule which would limit Company A's transfer to 51 percent.

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- e) Some conditions are common to both rating transfer methods:
- 1) The financial statement (balance sheet) of both the transferor and the transferee shall have a common date;
 - 2) The request to transfer and prequalification ratings shall be in writing from the transferor and shall include the following:
 - a) The amount of financial rating or work ratings to be transferred;
 - b) The extent of common ownership between the companies;
 - c) A statement that the transfer is for the remaining duration of the prequalification period; and
 - d) The signature of the transferor;
 - 3) Corporations shall provide a corporate resolution which authorizes the transfer of prequalification ratings (see Section 650-Appendix B of this Part);
 - 4) A parent company shall submit the Certified Assumption and Guarantor Agreement contained in the application for prequalification when transferring a financial rating to a subsidiary;
 - 5) The rating of the transferor will be reduced by the amount of increase in the transferee rating;
 - 6) A contractor with an unaudited rating may not receive a financial rating transfer which causes its prequalification rating to exceed the \$350,000 limit;
 - 7) A contractor with an unaudited rating may not transfer a financial rating to a contractor with an audited rating;
 - 8) Only one transfer of ratings between the same transferor and transferee will be recognized during the prequalification period;
 - 9) No transfer of a prequalification rating requested by a contractor will be effective for a particular letting unless evidence (in the form of a written request) is received within the time specified by Section 650-50 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.160 Financial Rating - General

- a) The financial rating serves two functions:
- 1) To measure the applicant's ability to sustain cash flow for the duration of an awarded contract and
 - 2) To indicate the maximum amount of uncompleted work that the applicant may have under contract at any one time.
- b) When computing an applicant's financial rating, the Department utilizes the financial statement submitted by the applicant as part of the application for prequalification.
- c) The Department shall consider any applicant with a net worth of \$20 million or a financial rating in excess of \$75 million to have an unlimited financial rating.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.170 Financial Statement

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

- a) Audited Status
- The Department will require all applicants seeking an audited status to adhere to the following:
- 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, auditor's notes, and an income statement.
 - 2) All data shall be secured from an audit conducted no more than twelve months prior to the time the financial statement is received by the Department.
 - 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.
 - 4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.
 - 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Professional Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.
 - 6) No certified financial statement will be accepted which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
 - 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
 - A) name, address, and telephone number of the accounting firm involved with the audit;
 - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
 - C) the date of audit;
 - D) the degree of responsibility assumed by the CPA; and
 - E) the accountant's opinion (see subsection (b) of this Section).
- b) Opinion of Certified Public Accountant
- An auditor's or CPA's accountant's opinion is a report that either contains an expression of opinion regarding the financial statements,

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taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:

- 1) Unqualified opinion - an opinion which contains no exceptions and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.
- 2) Qualified opinion - an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the reason(s) for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.
- 3) Adverse opinion - an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position and--~~any resulting exceptions are so material that the CPA cannot justify issuing a qualified opinion.~~ Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.
- 4) Disclaimer of opinion - a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.
- c) Unaudited Status
The Department will require all applicants seeking an unaudited status to adhere to the following:
 - 1) The unaudited status is subject to the following limitations:
 - A) the applicant's financial rating shall be limited to no more than \$500,000;
 - B) the applicant shall not have been awarded more than \$600,000

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in transportation contracts, including Local Agency Motor Fuel Tax contracts, during any twelve month period. If this condition occurs subsequent to the issuance of a Certificate of Eligibility, the prequalification ratings will automatically expire.

- 2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:
 - A) must be prepared from data secured from the applicant's records;
 - B) must not be more than twelve months old at the time of receipt by the Department;
 - C) must be completed and in balance; and
 - D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.
- d) Interest in Other Firms
 - 1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.
 - 2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. ~~The same shall apply to employees who have pledged assets to the prequalified firm.~~ The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.
 - 3) Each applicant shall disclose, in the application for prequalification, the name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person ~~each individual having a beneficial interest of 7-1/2 percent or more in the firm seeking prequalification.~~ If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.190 Other Factors Considered in Determining Financial Ratings

- a) Notes and Accounts

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- 1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes which are not subordinated will be considered as current liabilities. Subordinations which are not honored will not be considered on subsequent financial statements.
- 2) Long term notes (which are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
- 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year are considered deferred liabilities.
- 4) When notes payable are secured by all assets or current assets of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).
- 5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of a long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.
- 6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement which shall disclose the date of the loan, the termination date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.
- b) Income taxes
The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on

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- its receivables. When deferred taxes are represented as a long term asset both asset ~~assets and liabilities~~, the asset will be given no credit.
- c) Dividends
Where dividends of the applicant, declared or proposed, have neither been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.
- d) Treasury Stock
If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.
- e) Related Affiliated Companies
1) Related Affiliates may be related to other concerns or companies by virtue of a parent, subsidiary or affiliate connection. Also, two or more concerns or companies may operate in a coordinated manner to maintain a single set of ratings. Applicants seeking a prequalification financial rating based upon the financial strength of the applicant and a related company or seeking a financial rating in conjunction with the financial strength of a group of related companies will be evaluated and issued ratings based upon an assessment of the financial statements submitted in accordance with this subsection (e) provided that the operational roles of the related companies in the business activity of the applicant are consistent with the work ratings applied for pursuant to this Part.
- 2) A consolidated financial statement from a the parent corporation organization may be used to prequalify a single subsidiary corporation or group of subsidiary corporations company. A Certified Assumption and Guarantor Agreement must be submitted with the financial statement. If more than one subsidiary is identified by a holding company for bidding purposes, the Department will establish the bidding identity for each subsidiary. ~~The single subsidiary company is permitted to transfer its financial rating to companies included in the consolidated financial statement who desire to become prequalified.~~
- 3) The Department may request a consolidated or consolidating financial statement from the parent corporation organization of a subsidiary or affiliate requesting prequalification. The Department will deny credit for assets of a subsidiary that or an affiliate which are unduly burdened or otherwise heavily encumbered, or and which are not available because of the financial condition of the parent corporation organization.
- 4) A combining combined financial statement may be used to prequalify an affiliated n single company or group of affiliated

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companies. Separate financial statements may be used to prequalify two or more related companies that provide the material production and construction capability necessary to support a work rating classification. ~~The affiliates of the prequalifying company shall submit a pledge letter. Corporations shall provide a corporate resolution which authorizes the pledge of assets (see Section 650-Appendix B of this Part).~~ An applicant seeking a financial rating for a group of affiliated companies based upon the combined affiliate data presented in a combining financial statement or separate financial statements shall present a full description of the businesses' operations and interdependencies. Certified Assumption and Guarantor Agreements will be required. The Department will not credit assets belonging to affiliates for purposes of individual affiliate financial ratings without a Certified Assumption and Guarantor Agreement and any necessary lease agreements in accordance with Section 650-260(b)(2) of this Part. In all instances, if more than one affiliate is identified for bidding purposes, the Department will establish the bidding identity for each affiliate.

- f) Letters of Credit
Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.200 Methods of Improving a Financial Rating

- a) Personal assets of stockholders, officers, directors, members, partners, beneficiaries or employees may not be pledged to improve the financial rating of the contractor seeking prequalification. See Section 650-Appendix C of this Part for information on assets acceptable to pledge and the letter required. Section 650-Appendix B of this Part illustrates the letter required from the certified public accountant for audited financial statements. The Department will not give credit for assets which are unduly burdened or heavily encumbered, and which are not available to the stockholder, officer, director or employee.
- b) Assets of another nonprequalified affiliate company may not be pledged to improve the financial rating of the contractor seeking prequalification, if the following conditions are met:
- 1) The pledgor (affiliate) company and the pledgee company have at least 51 percent common controlling ownership;
 - 2) Pledging of assets by the affiliate shall consist of the submittal of a financial statement. The financial statement of the affiliate must correspond with the date of the financial statement of the pledgor. The financial statement of the affiliate shall be the same type of financial statement (audited

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- or unaudited) that was submitted by the company seeking prequalification.
- 3) The affiliate shall submit a pledge letter. Corporations shall provide a corporate resolution which authorizes the pledge of assets (see Section 650-Appendix B of this Part). If a combined financial statement is submitted, a corporate resolution pledging the nonprequalified firm's assets must be included.
- 4) The Department will not give credit for assets which are unduly burdened or heavily encumbered and which are not available to the affiliate.

- c) Loans which are renegotiated and involve the time frame or encumbrance of assets of the company may be reconsidered. Only loans which total in excess of \$100,000 will be considered. A copy of the new loan agreement is required.

- d) Subsequent efforts to increase capitalization or to otherwise increase a financial rating events which take place more than one year from the date of the financial statement will not be permitted to improve the financial rating of a company. Only subsequent efforts that are made within one year from the date of the financial statement events which the Department considers material will be used to increase determine financial ratings.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.240 Performance Factor (PF)

- a) The Performance Factor is a numerical value which is determined by the contractor's performance evaluation in a work category during the previous year. At the close of each construction season, the Department, other State agencies or authorities using contractors based on the prequalification decisions of the Department and or officials of a unit of local government administering a contract approved for award by the Department will evaluate each contractor who performed work for them during the previous year either as a prime contractor or as a subcontractor. This information is submitted on the Contractor's Annual Performance Report (BC-1777), and will be held confidential from disclosure in accordance with Section 7(1)(a) of the Freedom of Information Act [5 ILCS 140/7(1)(a)]. The performance evaluations are based on:

- 1) The quality of work performed for each work category defined in Section 650-Appendix A of this Part.
- 2) The overall execution of work as measured by evaluating five categories:
 - A) Organization and prosecution of the work;
 - B) Cooperation with public agency personnel responsible for contract administration and inspection;
 - C) Traffic control and site protection as provided by contract

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- requirements:
- D) Compliance with EEO and labor requirements; and
- E) Erosion Control.
- b) The performance evaluation scale is a rating from 2.0 to 8.0 in accordance with the following definitions:
- 8.0 Excellent
 - 7.0 Good
 - 6.0 Satisfactory
 - 4.0 Marginal
 - 2.0 poor
- c) The quality and evaluating categories under execution of work are defined and rated as follows.
- 1) Quality - The project's durability and appearance, the knowledge of supervisory personnel, and the compliance with contract requirements (i.e., plans, specifications, field inspection, etc.) are considered.
 - 2) Quality Scale
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 The contractor did not meet project requirements in two or more areas considered.
 - 3) Organization/Prosecution - The contractor's ability to diligently prosecute work by planning and scheduling labor, materials and the work of subcontractor's on project site are considered.
 - 4) Organization/Prosecution Scale
 - 8.0 The contractor exceeded project requirements in all areas considered and completed the project well ahead of schedule.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered and the project was completed slightly ahead of schedule.
 - 6.0 The contractor met project requirements in all areas considered and the scheduled completion date was met.
 - 4.0 The contractor did not meet project requirements in one area considered and occasionally did not work when conditions permitted. The scheduled completion date was met.
 - 2.0 The contractor did not meet project requirements in two or more areas considered and the scheduled completion date was not met.
 - 5) Cooperation - The contractor's willingness to negotiate contract disputes, to respond to reasonable requests by the resident

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- engineer and to respond to various Departmental correspondence are considered.
- 6) Cooperation
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 The contractor did not meet project requirements in two or more areas considered.
- 7) Traffic Control/Site Protection - The appearance of the traffic control devices, the response to repair deficient devices and the contractor's willingness to comply with the Traffic Control Plan (TCP) are considered.
- 8) Traffic Control/Site Protection
 - 8.0 The contractor exceeded project requirements in all areas considered.
 - 7.0 The contractor exceeded project requirements in a majority of areas considered.
 - 6.0 The contractor met project requirements in all areas considered.
 - 4.0 The contractor did not meet project requirements in one area considered.
 - 2.0 Either the contractor did not meet project requirements in two or more areas considered or the contractor committed an act or omission which seriously compromised the safety of the public.
- 9) EEO/Labor Compliance - The contractor's compliance with the Equal Employment Opportunity program and compliance with labor laws are considered.
- 10) EEO/Labor Compliance
 - 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor met project requirements through extraordinary effort and initiative.
 - 6.0 The contractor met project requirements with minimum effort and initiative.
 - 4.0 The contractor met project requirements, but had to be motivated by Department personnel.
 - 2.0 The contractor did not meet project requirements.
- 11) Erosion Control - The contractor's compliance with the project's erosion control plan and all pertinent federal and State laws, permits and regulations.
- 12) Erosion Control
 - 8.0 The contractor exceeded project requirements.
 - 7.0 The contractor exceeded project in a majority of the areas

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considered.

6.0 The contractor met project requirements in all areas.
4.0 The contractor did not meet the project requirements in one area considered.

2.0 The contractor did not meet the contract requirements' in two or more areas.

d) The Performance Factor is calculated by first determining the Project Cost Ratio (PCR) for the relevant work category. The PCR is the ratio of the value of all contracts being evaluated to the value of all contracts performed. Secondly, a weighted performance evaluation value is established for each performance evaluation completed by determining the product of the PCR, the rating for quality given on the relevant performance evaluation and the averaged ratings for execution given on the relevant performance evaluation divided by 6. Finally, the summation of all weighted performance evaluation values is divided by 6 to arrive at the PF. equal-to-the-performance evaluation-rating-for-quality-of-work-times-the-weighted-average-for-all-execution-of-work-values-divided-by-36. However, if a rating of 4.0 or less occurs in a category under execution of work as determined by the District Engineer, the District Engineer will indicate those work categories affected and will explain the problems encountered--in addition, an average value from all the categories under execution of work--will-be-determined--if the average value for execution of work is less than the performance evaluation--for quality of work--this average value will be used to determine the Performance Factor--Only those work categories indicated by the District Engineer--will be affected.

e) A work rating will be subject to denial or revocation not be renewed or will be revoked if the summation of all weighted a performance evaluation values for a work rating category rating is of less than 6.0 in quality of work is received for two successive years. A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 4.0 for one year.

f) The Department will evaluate performance on any individual contract or group of contracts for purposes of determining the current responsibility of a contractor when the Engineer of Construction has determined that performance on any contract or contracts may not be acceptable and that an immediate evaluation is necessary to assess the responsibility of a contractor in order to protect the interests of the State in sound procurement practices. If the evaluation ordered by the Engineer of Construction results in the quality of work or the average overall execution of work ratings being rated at less than 4.0, the work ratings evaluated will be revoked. A work rating will not be renewed or will be revoked if a District Engineer determines for two successive years a performance evaluation rating of 6.0 or less in the same category under execution of work--However, the Engineer of Construction will determine the work ratings to remain in effect--if

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another--District Engineer--indicates satisfactory performance within that District--An explanation for allowing the work ratings to remain in effect will be provided by the Engineer of Construction.

g) The contractor shall be notified of the performance evaluation in writing within 14 days with a detailed explanation of any substandard items. If a performance evaluation results in a denied, reduced or revoked work rating, the contractor may proceed with the review procedures in accordance with Section 650.150 of this Part.

h) If an applicant did not have a contract with the Department in the previous year, the last evaluation issued within a five year period will be used. If an applicant has not had an evaluation in the last five years or is applying for an initial rating in a category and lists no public agencies or private customers as references, a Performance Factor of "1" will be used until an actual evaluation is made.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.260 Equipment Factor (Exp)

a) Work categories which require the applicant to have specific equipment and plant facilities are indicated in Section 650 Appendix A of this Part. Determination of work ratings in these categories requires the calculation of an Equipment Factor which measures the physical productive capacity of the applicant's equipment and facilities. Equipment Factors are based on standards which produce an average dollar value of productivity as set forth in Section 650 Appendix A of this Part. The Department may adjust the standards as necessary to reflect increases in construction costs. The word "equipment" used in this Section includes all machines, tools and plant facilities.

b) In calculating Equipment Factors, the Department will consider:

- 1) Equipment owned outright. All equipment which is serviceable will be considered even though fully depreciated.
- 2) Equipment pledged in its entirety for the exclusive use of the applicant--A stockholder, officer, director or employee of the company may pledge equipment--A parent, subsidiary or affiliate may also pledge equipment--The request to pledge shall be in writing by the pledgor and shall include the following:
 - A) The pledgor and the pledger
 - B) The make, model, year, serial number and size or capacity of the equipment
 - C) A statement that the equipment is pledged for the exclusive use of the applicant
 - D) A statement that the pledge is for the remainder of the applicant's prequalification period
 - E) The signature of the pledgor
 - F) Corporations shall provide a corporate resolution which

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authorizes the pledge of equipment (see Section 650-Appendix B of this Part).

- 23) Rented ~~Better-leased-or-rented~~ equipment, currently in the possession of the applicant or leased or rented equipment possessed by the applicant during the previous year, whichever is greater. Possession and exclusive control of the equipment by the lessee shall be confirmed by the submittal of a signed and notarized affidavit. No credit will be given for rented leased equipment not in possession to establish an equipment factor. Applicants shall submit a copy of the ~~initial~~ lease agreement, which must contain the following:

- Time period. The duration of the ~~either a minimum twelve month period or the~~ qualification period is required.
- Make, model, year, serial number and size or capacity of the equipment.
- Monetary consideration.
- Signature of the lessee and lessor.
- ~~The statement of "exclusive use" and "notarization" of the signatures for equipment involving a bituminous or concrete plant.~~

- c) Credit for equipment (including plants) will not be given until the applicant provides proof that all required federal, State or local permits or licenses to operate the equipment have been obtained. ~~Concrete plants used for retail sales will not be eligible to establish an equipment factor for the work category of Portland Cement Concrete Paving.~~

- d) No credit will be given for any piece of equipment that is not serviceable, that is in disrepair or that is inoperable. A disassembled piece of equipment that is in all other respects serviceable, operable if assembled and available in accordance with subsection (f) of this Section may be credited provided that it will be assembled for the performance of contracts awarded during the period of prequalification. For example, a batch plant supporting a Portland Cement Concrete Paving work rating may be disassembled, stored and reassembled for use on contracts awarded during the period of prequalification. ~~Equipment owned but leased to another contractor will not be considered eligible for a work category.~~

- e) ~~The applicant shall make equipment available for inspection so the Department can verify possession and determine its serviceability.~~
 (5f) Equipment, including but not limited to such as front-end loaders, motor graders and cranes are versatile and can perform several types of work. If the contractor does not assign equipment to a specific category, the Department will assign the equipment on the basis of the contractor's work experience and requested ratings. ~~The Department will not give credit for equipment which is not available for a work category. For example an applicant may have front-end loaders which are used in a quarry; this equipment would not be considered available for the work category of Earthwork.~~

- f) The Department will give credit for equipment that is available for a work rating category. Conditions rendering equipment unavailable may include but are not limited to the following:

- Equipment that is devoted to a business enterprise for the applicant unrelated to or inconsistent with making the equipment available for the work category sought. Examples of this unavailability condition include but are not limited to the following. An applicant may have front-end loaders that are used in a quarry. This equipment would not be considered available for the work category of Earthwork. An applicant may sell the product of a concrete plant to the public by retail sales. This plant would not be available for the work category of Portland Cement Concrete Paving.
- Equipment that is not readily transported or relocated and that is not located within the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
- Equipment that is readily transported or relocated but the applicant does not demonstrate, with intent and action, the transportation or relocation to the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.
- Equipment not in the possession and control of the applicant or not capable of being used to perform contracts for any reason. The applicant shall make equipment available for inspection by the Department to verify possession, to determine serviceability, and to confirm availability for use in the work category.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650-280 Calculation of Work Ratings

- a) Applicants assigned work ratings in the categories of Earthwork, Portland Cement Concrete Paving, Bituminous Plant Mix, Bituminous Aggregate Mixtures, Aggregate Bases & Surfaces (Type A or B) and Cover & Seal Coats are required to possess specific equipment or plant facilities which are assigned Equipment Factors. Work ratings in these categories are calculated by the primary formula.

$$WR = PF (EF/2 + EqF/2) \quad (\text{Primary Formula})$$

- b) Equipment Factors based on plant production may be quite large, but new or inexperienced contractors may not be able to realize the full potential of their capacity. For this reason, the primary formula considers experience as well as equipment and plant capacity. In the

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simplest case, a new applicant with no experience and a presumed performance factor of 1.0 will receive a work rating equal to one half the calculated Equipment Factor. As the applicant gains experience, the work rating will increase. When the Experience Factor equals or exceeds the Equipment Factor, the work rating is calculated by the advanced formula below.

$$WR = PF \times EqF \quad (\text{Advanced Formula})$$

c) All remaining work categories are calculated by the secondary formula.

$$WR = PF \times CP \times 1.2 \quad (\text{Secondary Formula})$$

d) The secondary formula does not utilize an equipment factor because of the immeasurable productive capacity of the equipment or plant facility; however, equipment must be owned by or leased to the applicant. See Section 650, Appendix A of this Part for a listing of equipment or plant facilities. The secondary formula includes a factor of 1.2 to provide a margin for growth.

e) An applicant's capacity to perform may exceed the calculated equipment factor. This can occur by good management, efficiency and additional hours of work. When this occurs, the primary and advanced formulas will be replaced by the secondary formula.

f) The work rating in any given category may not exceed the financial rating of the applicant.

g) If the primary advanced or secondary formula results in a value in excess of \$95-million, the work category will be assigned an unlimited rating provided the applicant's financial rating is unlimited.

h) A work rating may be designated as "Illinois Work Only." This work rating indicates the dollar value of work which the applicant's own forces can perform within the State of Illinois in one construction season. This rating will be established by the Department if the applicant does work in more than one state or outside the continental United States and it would be impractical to verify all outstanding work.

i) Prior to any consideration for establishing a work rating value, the applicant shall provide a list of all technical, supervisory and key personnel who would manage a project awarded by the Department. This list should include the individual's job title and number of years of construction experience. The Department may also require the submittal of resumes of the above individuals. Applicants prequalifying with the Department for the first time shall be required to submit resumes. Insufficient personnel may be justification for a reduction in the rating of a work category as determined by the primary, advanced or secondary formula. Hiring of additional personnel may be justification for an increase in the rating of a work category. Applicants without experienced personnel for a requested work category may be denied the rating.

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j) Methods to Improve a Work Rating

- 1) Hiring of additional personnel.
- 2) Purchase, lease or rental of additional equipment.
- 3) Completion of additional work.

k) A contractor may request additional rating in a work category at any time during the prequalification period by submitting a revised application or supplemental information.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section 650.290 Advertising for Bids

The procedures for procuring contracts are set out in the Department's rules for contract procurement found at 44 Ill. Adm. Code 660. The procedures of this Subpart B govern the granting of authority to bid on contracts advertised for bids in the Transportation Bulletin in accordance with the Department's rules for contract procurement.

- a) An advertisement for bids is published in the Transportation Bulletin.
- b) The Transportation Bulletin is the official publication and invitation issued by the Department for bids on construction projects. It contains a brief description of the work involved in each project and the quantities of the major pay items. It also states the location and time when the bid will be opened.
- c) The Transportation Bulletin is sent to all contractors who are prequalified with the Department. Other persons who may be interested in serving as subcontractors or material suppliers may subscribe to the Transportation Bulletin at the established subscription price from

Illinois Department of Transportation
Bureau of Administration and Facility Services
2300 South Dickson Parkway
Springfield, Illinois 62764
t247795-2418

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.300 Request for Proposal Forms and Plans; Authorization to Bid

A Request for Proposal Forms and Plans and Request for Authorization to Bid (Form BD-124) is published with the Transportation Bulletin. The Service Bulletin. The Form BD-124 shall be used by contractors to request proposals and plans and to request formal authorization to bid on contracts advertised in the Transportation Bulletin. Anyone may obtain proposal forms and plans regardless of prequalification status. An Authorization to Bid must be granted

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in accordance with this Part before a prequalified contractor may submit a bid.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.310 Affidavit of Availability

a) An Affidavit of Availability (Form BC-57) is attached to the Transportation Bulletin and must be submitted with a request for Authorizations to Bid. It is a sworn statement concerning the contractor's present and pending contract commitments. The contractor shall not omit or misrepresent its work outstanding. When the contractor has completed or pending work as a party of a joint venture, the contractor's responsible portion of the work shall be shown. The affidavit shall be signed by an officer or director of a corporate contractor, and otherwise, an owner shall sign. The affidavit is not required when a contractor has unlimited work ratings and an unlimited financial rating or when Authorization to Bid is not being requested. The affidavit shall include:

- 1) The amount of all uncompleted work, by type, either as a principal or subcontractor together with the name of the agency under whose jurisdiction the work is being performed. All uncompleted work shall be based upon the engineer's or owner's most recent estimate.
 - 2) The commitment of equipment and personnel on a payroll or rental basis even though no formal contract exists.
 - 3) All work on which the contractor is the low bidder and which has not yet been awarded.
 - 4) A listing of all subcontractors and the value of work sublet.
- b) Prospective bidders shall notify the Department within two working days of any low bids pending award or contracts awarded after submission of the affidavit which might occur between the submission of the affidavit and the opening of bids.
- c) Facsimiles of the affidavit will be accepted for analysis purposes. Authorization to Bid will not be issued without a correct, signed and notarized original affidavit in the Department's Central Bureau of Construction's possession by the cut-off date specified in the Transportation Bulletin.

d) A contractor may request to forego filing an affidavit if it has a financial rating at either of the following levels. The Prequalification Section will grant such a request provided the contractor does not have a substantial number of executory contracts with the Department and provided the most recent performance evaluation rating is not less than 6.0 in the performance factor calculation. (See Section 650.240 of this Part.)

- 1) A financial rating of \$300 million.
- 2) A financial rating of at least \$150 million or a Department calculated net worth of at least \$40 million, either in

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conjunction with two or more work ratings calculated to equal or exceed \$50 million each.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.320 Analyzing Requests for Authorization to Bid

a) In analyzing a contractor's request for Authorization to Bid, it is necessary to determine the contractor's available bidding capacity.

- 1) The total value of all uncompleted work awarded to the contractor, as shown on the Affidavit of Availability, is deducted from the financial rating shown on the Certificate of Eligibility. The result is the Available Financial Rating.
- 2) The value of each type of work uncompleted and included in pending low bids the contractor will perform with its own forces as a prime or subcontractor, as shown on the Affidavit of Availability, is deducted from the corresponding category of work rating shown on the Certificate of Eligibility. The result is the Available Work Rating in each category. If a contractor has a work rating designated for "Illinois Work Only," then only Illinois work is deducted from the corresponding category of work rating; however, all work must be shown on the affidavit to determine the Available Financial Rating.
- 3) When the proposed work requires more than one construction season (18 months or 168 working days) to complete, the work ratings shown on the Certificate of Eligibility are multiplied by the number of construction seasons required for completion. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section. Similar consideration is given to work reported on the Affidavit of Availability. Each work category of a project is divided by the number of construction seasons to complete the project. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section.
- 4) Contractors who have ratings in major work categories are given credit for work in applicable minor categories. For example, a contractor with a rating in Portland Cement Concrete Paving or Structures is given credit for work in the minor category of Miscellaneous Concrete Construction. The work category definitions in Section 650-Appendix A of this Part will indicate if a minor work category is applicable. Credit given for a minor work category is deducted from the contractor's available rating in the corresponding major work category.
- 5) Bituminous Plant Mix is rated at \$32/ton as compared to \$26/ton for Bituminous Aggregate Mixtures. See Section 650-Appendix A of this Part. However, the plant's hourly capacity remains the same. Therefore, the dollar value of outstanding Bituminous Aggregate Mixtures shown on the Affidavit of Availability will be increased

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by twenty percent in determining available work rating for Bituminous Plant Mix if a contractor's plant produces both Class I and B&M.

- b) In order to be issued an Authorization to Bid, a contractor's Available Work Ratings for all applicable categories must equal or exceed 50 percent of the estimated value of the contract, less designated specialty items. For Division of Aeronautics work, the Available Work Ratings must equal or exceed 51 percent of the estimated value. A contractor's Available Financial Rating must equal or exceed 95-percent-of the total estimated value of each contract. However, the low bidder will not be awarded the contract unless the Available Financial Rating equals or exceeds the actual price bid.
- c) The Department will occasionally advertise for bids a contract which consists of an item or items which are of the type commonly constructed by the Capital Development Board (such as general building construction, roofing, plumbing, heating, ventilation and air conditioning) rather than by the Department of Transportation. In such instances, the advertisement will indicate waiver of prequalification under the rules of the Department according to Section 650.70 and will specify prequalification by the Capital Development Board pursuant to 44 Ill. Adm. Code 950. Any contractor requesting Authorization to Bid on such a project should include a current "Capital Development Board Certificate of Contractor Prequalification."

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.330 Issuance of Authorization to Bid

- a) There is no limit to the number of Authorizations to Bid issued a contractor as long as the available bidding capacity satisfies the requirements of each individual contract. If the contractor is the low bidder on two or more contracts, and the sum of the bids exceeds the available bidding capacity, the Department will select the contract or contracts for award.
- b) Authorization to Bid will not be issued on documentation received after 4:30 p.m. prevailing time on the cut-off date indicated in the Transportation Service Bulletin. In addition, any request to be removed from the bidder's list or to dissolve a joint venture must be received prior to the time indicated in the previous statement.
- c) Under certain circumstances, the Department may ~~shall~~ issue Authorization to Bid to a firm without restriction based on available bidding capacity. ~~The firm must possess an unlimited financial rating and two unlimited work ratings (see Section 650.200 of this Part) or possess a financial rating of \$150 million or a net worth of \$40 million--there must also be no evidence of any past performance problems on any previous contracts. To be considered for unrestricted authorization, the contractor must satisfy either of the following~~

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conditions and must be rated not less than 6.0 in the performance factor calculation. (See Section 650.240 of this Part.)

- 1) A financial rating of \$300 million.
- 2) A calculated net worth of at least \$40 million, either in conjunction with two or more work ratings calculated to equal or exceed \$50 million each.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.350 Denial of Authorization to Bid

The Department will not issue Authorization to Bid for any of the following reasons:

- a) The contractor ~~potential~~-bidder is not prequalified under the provisions of this Part.
- b) The contractor ~~potential~~-bidder will not be prequalified on the day of the scheduled letting which is the subject of the Request for Authorization to Bid.
- c) The contractor ~~potential~~-bidder has uncompleted work on previously awarded contracts which, in the judgment of the Department, might hinder or prevent the prompt completion of additional work if awarded.
- d) The contractor ~~potential~~-bidder has provided false information on a bidder's Affidavit of Availability or has not promptly notified the Department of subsequent awarded contracts or pending awards.
- e) The contractor ~~potential~~-bidder has failed to submit final documentation on any open contract or to pay, or satisfactorily settle, all bills due for labor and material on previously awarded contracts in full at the time of issuance of proposal forms.
- f) The contractor ~~potential~~-bidder has failed to comply with this Part or the bidding procedures of the Department.
- g) The contractor ~~potential~~-bidder has defaulted or otherwise breached its obligations on Department awarded contracts or contracts approved for award by the Department; has failed to execute an awarded contract; or has caused the readvertisement of a project through mistakes or neglect in the bidding procedures.
- h) When any agent, servant, employee, associated organization, affiliate or related entity of the contractor ~~prospective~~-bidder has participated in the preparation of plans, specifications or special provisions for the proposed work.
- i) The contractor ~~potential~~-bidder is subject to revocation of prequalification ratings in accordance with Section 650.110 of this Part or revision of prequalification ratings in accordance with Section 650.130 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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SUBPART C: SUBCONTRACTOR REGISTRATION

Section 550.360 Purpose

Federal regulations establishing and implementing the disadvantaged business enterprise (DBE) program (49 CFR 26) applicable to all United States Department of Transportation programs require the Department to maintain a participant list that includes all firms that bid on federal-aid contracts and that bid or quote on subcontracts to federal-aid contracts. The purpose of this Subpart C is to establish and maintain a participant list of all firms that are participating or are attempting to participate on federal-aid contracts. This Subpart C also extends coverage of the list to all Department contracts regardless of funding

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 650.370 Registration of Subcontractors

- a) All firms desiring to bid or quote subcontract work to prequalified contractors holding authorization to bid on contracts advertised by the Department shall register on an annual basis for inclusion in the participant list. Prequalified contractors are included automatically on the participant list. Contractors that are not prequalified but that desire to bid or quote subcontract work on any Department contract shall register in accordance with this Subpart C.
- b) The Department shall furnish an electronic registration form for use by potential subcontractors desiring registration. The electronic form is obtained and shall be completed at the Department's web site at www.dot.state.il.us. Requests for information regarding registration and the electronic form may be made by mail or by telephone to:

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 S. Dirksen Parkway, Room 322
Springfield, IL 62764
(217) 782-5667

- c) The following information will be required to be reported on the registration form:

- 1) the firm's name,
- 2) the firm's address and telephone number,
- 3) the firm's status as a DBE or non-DBE,
- 4) the date the firm was established and its form of business organization,
- 5) the annual gross receipts of the firm for the prior fiscal year of the firm, and

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- 6) the owners of the firm.

- a) A registered firm will be issued a confirmation number.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 650.380 Eligibility to Quote or Perform Subcontract Work

No prequalified contractor who is issued an authorization to bid in accordance with this Part may solicit or accept bids or quotes from potential subcontractors for the performance of work on contracts that are not registered with the Department in accordance with this Subpart C. This requirement will be enforced by appropriate contract provisions.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 650-APPENDIX A AVAILABLE WORK CATEGORIES

- 1 Earthwork
- 2 Portland Cement Concrete Paving
- 3 Bituminous Plant Mix
- 4 Bituminous Aggregate Mixtures
- 5 Miscellaneous Bituminous Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- 8 Aggregate Bases & Surfaces (A,B)
- 9 Structures (HRR,W)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- 15 Cover and Seal Coats (A,B)
- 16 Slurry Applications
- 17 Miscellaneous Concrete Construction
- 18 Landscaping
- 19 Seeding and Sodding
- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 Paint Pavement Marking
- 28 Thermoplastic Pavement Marking
- 29 Epoxy Pavement Marking
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction
- 39 Marine Construction
- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

EARTHWORK

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Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope matress and revegetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding ~~tree-definition~~ ~~at-Section-650-200~~ for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

EquipmentEquipment factor (EPF)Self-propelled scrapersPull type scrapersGradallsGradersCranes, shovels, excavators
and backhoe loaders

\$21,000 per cubic meter of heaped capacity
\$16,000 per cubic yard of heaped capacity
\$12,000 per cubic meter of heaped capacity
\$9,000 per cubic yard of heaped capacity
\$115,000 each
\$100,000 each

\$360,000 for .5 cubic meter bucket size
\$405,000 for .75 cubic meter bucket size
\$480,000 for 1 cubic meter bucket size
\$580,000 for 1.25 cubic meter bucket size
\$730,000 for 1.5 cubic meter bucket size
\$800,000 for 1.75 cubic meter bucket size
\$860,000 for 2 cubic meter bucket size
\$1,060,000 for 2.5 cubic meter bucket size
\$1,400,000 for 3 cubic meter bucket size
\$1,730,000 for 3.5 cubic meter bucket size
\$375,000 for .75 cubic yard bucket size
\$405,000 for 1 cubic yard bucket size
\$460,000 for 1.25 cubic yard bucket size
\$550,000 for 1.5 cubic yard bucket size
\$635,000 for 1.75 cubic yard bucket size
\$750,000 for 2 cubic yard bucket size

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	\$835,000 for 2.5 cubic yard bucket size
	\$1,010,000 for 3 cubic yard bucket size
	\$1,210,000 for 3.5 cubic yard bucket size
	\$1,440,000 for 4 cubic yard bucket size
	\$1,610,000 for 4.5 cubic yard bucket size
	\$115,000 for less than 1.5 cubic meter bucket size
	\$210,000 for 1.5 to 2 cubic meter bucket size
	\$340,000 for 2.1 to 3 cubic meter bucket size
	\$475,000 for 3.1 to 4 cubic meter bucket size
	\$605,000 for greater than 4 cubic meter bucket size
	\$115,000 for less than or equal to 2 cubic yard bucket size
	\$230,000 for 2.1 to 3 cubic yard bucket size
	\$375,000 for 3.1 to 4 cubic yard bucket size
	\$460,000 for 4.1 to 5 cubic yard bucket size
	\$605,000 for greater than 5 cubic yard bucket size
Skid-steer loaders	\$50,000 each
Bulldozers	\$200,000 each
Fine grading equipment	\$200,000 each
Self-propelled rollers	\$50,000 each
Pull-type rollers	\$15,000 each
Disc	\$15,000 each
Water truck	\$1.35 per liter
	\$5 per gallon
Off-road and bottom-dump trucks	\$20,000 per cubic meter of heaped capacity
	\$15,000 per cubic yard of heaped capacity

PORTLAND CEMENT CONCRETE (PCC) PAVING

Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to Miscellaneous Concrete Construction

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(see-definition-at-Section-650-20).

EQUIPMENT: A central mix plant or a batch plant with truck mixers transit mixer-trucks, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula. Concrete-plants-used-for-retail-sales-are-not-eligible.

<u>Equipment</u>	<u>Equipment factor (EqF)</u>
Central Mix Plant and Batch Plant*	(C.M./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$105/C.M.) X (1.0) for an approved plant
	(C.F./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$80/C.F.) X (1.0)
Central Mix Dual Plant and Dual Batch Plant*	(C.M./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$105/C.M.) X (1.7) for an approved plant
	(C.F./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$80/C.F.) X (1.7)

*To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one truck mixer transit-mixer-truck for every cubic yard of batch capacity of the plant.

BITUMINOUS PLANT MIX

The placement of bituminous concrete binder and surface course (Class I and Superpave), bituminous concrete base course widening, bituminous base course, bituminous aggregate mixture stabilized sub-base, bituminous shoulder, bituminous curb, bituminous gutter, bituminous curb and gutter, bituminous sidewalk, bituminous driveway, bituminous median, bituminous parking, open graded asphalt friction course and incidental bituminous surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving see-definition at-Section-650-20.

EQUIPMENT REQUIRED: An approved A bituminous (HMA) plant approved-by-the

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Bureau-of-Materials-and-Physical-Research-for-Glass-I-production, an approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production
Rating Equipment Factor (EqF)

Metric Tons Per Hour (MTPH) MPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$35/Ton)
X-(1-00)-approved-plant-or-tentative-approval-type-A

MPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X
(\$35/Ton)-X-(0-50)-tentative-approval-type-B

MPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X
(\$35/Ton)-X-(0-25)-tentative-approval-type-C

Tons Per Hour (TPH) TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$32/Ton) X-(1-00)
for-approved-plant-or-tentative-approval-type-A

{Established-by Bureau-of Materials-and Physical-Research}

TPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(932/Ton)-X-(1-50)
for-tentative-approval-type-B

TPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(932/Ton)-X-(1-25)
for-tentative-approval-type-C

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures. Tentative approval is an evaluation of a plant by the Bureau of Materials and Physical Research prior to final approval.

BITUMINOUS AGGREGATE MIXTURES

Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving (see definition at Section 650-26).

EQUIPMENT REQUIRED: An approved A bituminous (HMA) plant approved-by-the Bureau-of-Materials-and-Physical-Research, an approved bituminous spreading and

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finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production
Rating Equipment Factor (EqF)

Metric Tons Per Hour (MTPH) MPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$29/Ton)
X-(1-00)-approved-plant-or-tentative-approval-type-A

MPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(939/Ton)
X-(0-50)-tentative-approval-type-B

MPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(939/Ton)
X-(0-25)-tentative-approval-type-C

Tons Per Hour (TPH) TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$26/Ton) X-(1-00)
for-approved-plant-or-tentative-approval-type-A

{Established-by Bureau-of Materials-and Physical-Research}

TPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(926/Ton)-X-(1-50)
for-tentative-approval-type-B

TPH-X-(0-Hrs./Day)-X-(80-Days/Yr.)-X-(926/Ton)-X-(1-25)
for-tentative-approval-type-C

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures. Tentative approval is an evaluation of a plant by the Bureau of Materials and Physical Research prior to final approval.

MISCELLANEOUS BITUMINOUS PAVING

Consists of placing bituminous base, surface, widening or shoulders with a bituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I or BAW) or as specified by the local agency. Bituminous curb and gutter, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under Bituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved bituminous spreading and finishing machine and compaction equipment.

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CALCULATION OF WORK RATING: Secondary formula.

CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.

SOIL STABILIZATION AND MODIFICATION

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

EquipmentEquipment Factor (EqF)

Grader and compaction equipment (Type A)

\$375,000 each

Mechanical spreader and compaction equipment (Type A)

\$375,000 each

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Grader (Type B)

\$375,000 each

Mechanical Spreader (Type B)

\$375,000 each

Widener

\$200,000 each

STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), Erection ~~see--definition--of--this--and~~ ~~following--work--categories--at--Section--650-209~~, installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, Miscellaneous Concrete Construction, Fencing and Signaling.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

STRUCTURES (RAILROAD)

Consists of items listed above. This category is specific to structures carrying railroad transportation.

STRUCTURES (WATERWAY)

Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition ~~see--definition--at~~ ~~Section--650-209~~;

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

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CALCULATION OF WORK RATING: Secondary formula.STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to Miscellaneous Concrete Construction, Fencing and Signing (~~see definitions at Section 650-209~~). This work can be completed under the Structures (Highway) category.

EQUIPMENT: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.ANCHORS AND TIEBACKS

Construction of all types of anchors and tiebacks which provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

EQUIPMENT REQUIRED: Auger, drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of

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pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation and adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (ciprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

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EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

COVER AND SEAL COATS (TYPE B)

Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A) or aggregate spreader (Type B).

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment	Equipment Factor (EqF)
Distributor (Type A)	\$400,000 each
Tanker Truck*(Type A)	\$ 50,000 each
Spreader-(Type-B)	\$400,000-each
*A maximum of two (2) tanker trucks per distributor will be allowed.	

SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

MISCELLANEOUS CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs),

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construction of foundations (light pole, light tower, etc.) and various undersailing projects which allow the voids to be filled by gravity flow. Removal of concrete which consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

LANDSCAPING

Consists of planting trees, shrubs, vines and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding (see definition at Section-656-20).

EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

SEEDING AND SODDING

Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation, and seeding equipment, a mulch-blower and a tractor is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

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VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture.

TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps.

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

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CALCULATION OF WORK RATING: Secondary formula.

GROUTING

Consists of shotcrete grout construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

PAINTING

Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.

SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers. Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

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PAINT PAVEMENT MARKING

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.

THERMOPLASTIC PAVEMENT MARKING

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

EPOXY PAVEMENT MARKING

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.

PAVEMENT TEXTURING AND SURFACE REMOVAL

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Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

COLD MILLING, PLANING AND ROTOMILLING

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

DEMOLITION

Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

FABRICATION

Consists of fabricating, delivering and storing structural steel.

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EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula. ~~The contractor must be listed on the AISC Register of Certified Structural Steel Fabricators and have a Certification Category of --if--it--or--it--to--fabricate--main--load--carrying components:~~

TUNNEL EXCAVATION

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of cross-ties and installation of steel rails.

EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

MARINE CONSTRUCTION

Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (rip-rap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is

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also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

HYDRAULIC DREDGING

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation which scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

COLD (IN-PLACE) RECYCLING

A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION
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(date--of--balance--sheet)--Contractor's--Statement-of-Experience-and-Financial
Condition:

Section 650, APPENDIX C FINANCIAL PLEDGE LETTERS (REPEALED)
Individual Pledge to a Contractor
with an Audited or Unaudited
Financial Statement

Engineer of Construction
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 322
Springfield, IL 62764

Signature(s)

(Source: Repealed at 24 Ill. Reg. _____, effective

Bear -----:

To improve the financial prequalification rating of (firm), (pledgor) pledge
the following asset(s) to (firm) for the life of the (date of balance sheet)
Contractor's Statement of Experience and Financial Condition:

If a bank account:
A) Name of bank
B) Location of bank
C) Name of account holder(s)
B) Amount
B) Disclosure of any pledge
(Example: A pledge against a
Certificate of Deposit)

If a real estate:
A) Description
B) Owner(s)
C) Book or appraised value
B) Disclosure of any encumbrance

Note: Verification is required for bank accounts and investments involving
contractors who are classified under unaudited status.

Signature(s)

Engineer of Construction
Illinois Department of Transportation
2300 South Dirksen Parkway, Room 322
Springfield, IL 62764

Affiliated Company Pledge
to a Contractor with
an Audited or Unaudited
Financial Statement

Bear -----:

To improve the financial prequalification rating of (firm), (pledgor) pledge
the following assets of our financial statement to (firm) for the life of the

DEPARTMENT OF TRANSPORTATION

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Section 650.APPENDIX E CORPORATE RESOLUTION (REPEALED)

CORPORATE RESSUBSTUTION

At---a---meeting-held-on----(date)---- at -----(location)-----, the following-was-approved:

{Financial-Pledge-by-An-Affiliated-Company}

{Pledgor}pledge-the-assets-of-our-financial-statement-to--(firm)--for the-life-of--the--(date--of-balance-sheet)-Contractor's-Statement-of Experience-and-Financial-Condition:

{Equipment-Pledge}

{Pledgor}pledge-the-following-equipment--(list-equipment)--for--the exclusive-use-of--(pledge)for-the-life-of-the-(date-of-balance-sheet) Contractor's-Statement-of-Experience-and-Financial-Condition:

{Transfer-of-Financial-or-Work-Rating}

{transferor--Firm)--transfers --(amount)-- of--its-prequalification (indicate-financial-or-work-ratings-to--(transferee-Firm))for-the-life of-the-(date-of-balance-sheet)-Contractor's--Statement-of--Experience and--Financial--Condition:--the--(shareholder(s))--own--(percent)--of (transferor--Firm)--and--(percent)--of--(transferee-firm):

this---Resolution---was---signed---this---date-----, 19-- at
(location)-----,-----No-----Day

Signature(s)

Corporate-Seal-(Optional)

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Electric Reliability2) Code Citation: 83 Ill. Adm. Code 411

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
411.300	New Section
411.301	New Section
411.305	New Section
411.310	New Section
411.315	New Section
411.320	New Section
411.323	New Section
411.325	New Section
411.330	New Section
411.332	New Section
411.335	New Section
411.340	New Section
411.345	New Section
411.350	New Section
411.355	New Section
411.360	New Section

4) Statutory Authority: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5/8-401, 10-101, and 16-125].

5) Effective Date of Amendments: September 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 23, 2000, at 24 Ill. Reg. 1429

10) Has JCPR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Section 411.300: Add "[220 ILCS 5/art. XVI]".

Section 411.301: Add definition for "Firmographics".

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 411.301: Definition of "Descriptive statistics"--add "the mean response".

Section 411.301: Definition of "Rating questions"--change "one" to "zero".

Section 411.305(a): Delete "(7) Understanding of prices" and renumber remaining subsections in (a).

Section 411.310(c): Change "decision maker for the purchase of electric power" to "person who is most familiar with electric service in the organization".

Section 411.315(a)(1): Add "whichever sampling frame option is chosen, a jurisdictional entity should continue with the chosen option for all subsequent tracking studies unless the independent reviewer finds cause to recommend an alternative sampling frame."

Section 411.315(a)(3): Replace "the" with "Each". Add "the name of" and ", if available from its database,". Add "known as an industrial customer" at the time of selection".

Section 411.315(a)(4): Add "the name of".

Section 411.315(a)(7): Change "For any given residential or non-residential survey, in any given" to "In a single".

Section 411.315(a)(9): Add ", or cause to be used,". Add "computer-assisted telephone interview". Add "Memo Form". Add "R" after "ICC2114/20".

Section 411.320(a): Add "sampling" before "frame".

Section 411.320(d): Change "cross-tabulations of" to "contingency between". Add "cross-tabulated" after "questions". Delete "Cross-tabulations will include tests to determine statistically significant differences".

Section 411.320(e): Change "cross-tabulations of responses to" to "contingency between". Add "cross-tabulated" after "questions". Add ", demographic questions, and". Delete "cross-tabulations will include tests to determine statistically significant differences".

Section 411.330(c): Change "shall they be" to "if".

Section 411.335(a): Change "1" to "0".

Section 411.335(b): Delete "statistically significant". Add "indicating statistically significant relationships between". Delete "of". Change

ILLINOIS COMMERCE COMMISSION

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"with" to "and".

Section 411.335(c): Change ".5 or higher or differences" to "and/or differences of .5 or higher".

Section 411.340(b): Change ".5 or higher or differences" to "and/or differences of .5 or higher".

Section 411.345(b): Change ".5 or higher or differences" to "and/or differences of .5 or higher".

Section 411.340 and Section 411.345: Divide subsection (b) into two separate subsections (b) and (c) by adding "c)" before "Statistically".

Section 411.355(e): Delete "for the modified question" from the 3 places in which it appeared.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The requirements for the Customer Satisfaction Survey ("Survey") are found in Section 16-125(b)(4)(iv) of the Public Utilities Act. Section 16-125 requires in part that each jurisdictional entity shall file annually with the Commission a detailed report concerning "the age, current condition, reliability and performance of the jurisdictional entity's existing transmission and distribution facilities." The report must also contain the Survey required in Section 16-125(b)(4)(iv) of the Act. Pursuant to this, the Survey must cover, "among other areas identified in Commission rules, reliability, customer service, and understandability of the jurisdictional entity's services and prices."

These amendments provide specific instructions to the electric service jurisdictional entities on how to administer the customer satisfaction survey mandated by the Section 16-125. These amendments are designed to provide a statistically reliable indicator of customer opinions regarding electric service.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62701

(217)785-3922

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 411

ELECTRIC RELIABILITY

SUBPART A: GENERAL

Section	Purpose
411.10	Definitions
411.20	Applicability of Subpart B
411.30	Applicability of Subpart C
411.40	Commission Design of Customer Survey
411.50	

SUBPART B: REQUIREMENTS FOR ALL JURISDICTIONAL ENTITIES

Section	Reliability Obligations
411.100	Record-Keeping Requirements
411.110	Notice and Reporting Requirements
411.120	Interruption Cause Categories
411.130	Reliability Review
411.140	Modification or Exemption
411.150	Format and Disclosure of Reports
411.160	Exclusions
411.170	System Protection
411.180	Approval of Vegetation Management Programs
411.190	

SUBPART C: UTILITIES WITH 1,000,000 OR MORE CUSTOMERS

Section	Specific Record-Keeping Requirements
411.200	Specific Notice and Reporting Requirements
411.210	Proceedings to Determine Responsibility Under 220 ILCS 5/16-125(e) & (f)
411.220	
411.230	Proceedings to Determine Damages Under 220 ILCS 5/16-125(e) & (f)

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

Section	Purpose of Subpart D
411.300	Definitions Used in Subpart D
411.301	Customer Survey Requirements
411.305	General Characteristics of the Customer Survey
411.310	Survey Implementation
411.315	Format for Results of the Customer Satisfaction Survey
411.320	

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411.323 Raw Data
 411.325 Survey Parameters
 411.330 Categories of Responses for Survey Questions
 411.332 Descriptive Statistics
 411.335 Rating Questions
 411.335 Yes/No Questions
 411.340 Categorical Questions
 411.345 Data Comparisons
 411.350 Tracking the Results of the Customer Satisfaction Survey
 411.350 Executive Summary

TABLE A Causes of Interruptions

AUTHORITY: Implementing Sections 8-401 and 16-125 and authorized by Sections 10-101 and 16-125 of the Public Utilities Act [220 ILCS 5/8-401, 10-101, and 16-125].

SOURCE: Emergency rules adopted at 22 Ill. Reg. 11177, effective June 10, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 70042, effective November 7, 1998; amended at 24 Ill. Reg. 12914, effective SEP - 1 2000.

SUBPART D: ELECTRIC SERVICE CUSTOMER SATISFACTION SURVEY

BSection 411.300 Purpose of Subpart D

This Subpart provides specific instructions to the electric service jurisdictional entities on how to administer the customer satisfaction survey mandated by the Electric Service Customer Choice and Rate Relief Law of 1997 [220 ILCS 5/Art. XVII]. Each jurisdictional entity is required to submit to the Commission an annual report that includes the results of a customer satisfaction survey. The customer satisfaction survey covers reliability of electric service, customer service, and customer understanding of the jurisdictional entity's services and prices.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000)

Section 411.301 Definitions Used in Subpart D

Absolute value - A nonnegative number equal in numerical value to a given real number.

Categorical questions - Questions with response options limited to prescribed categories.

Confidence interval - A range believed to contain the actual response of the entire population, based on a sample result.

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Confidence level - The probability that a result, based on a sample, is likely to contain the actual response of the entire population.

Contingency table - A depiction of observed and expected frequencies in the sample data.

Correlation coefficient - An indicator of both the strength and the direction of a relationship between responses. The coefficient has two components: a value and a sign. Coefficient values range from 0 to 1 or 0 to -1 and indicate the strength of the relationship between two variables. As the value of the coefficient approaches 1, the relationship becomes stronger, with a value of 1 indicating a one-to-one correlation. As the value of the coefficient approaches 0, the relationship becomes weaker, with a value of 0 indicating no relationship. The coefficient can be either positive or negative.

Cross-tabulations - A widely used method for studying the relationship or association among and between variables. In cross-tabulation, the sample is divided into subgroups in order to examine how a variable of interest varies from subgroup to subgroup.

Descriptive statistics - Statistics that organize and summarize information without interpreting meaning. Descriptive statistics include, but are not limited to, the range of responses, the median response, the mean response, and the modal response.

Firmographics - The statistical data of a business.

Mean response - The sum of the numeric value of each response divided by the number of responses.

Median response - The numeric value of the response with 50% of responses above and 50% below it.

Modal response - The response that occurs most frequently.

Non-responses - The number of individuals in the sample who are not reached or refuse to respond to the entire survey or to a specific question.

Pearson Product Moment Correlation - The maximum likelihood estimator of population correlation, under normal conditions. If underlying requirements are met, it is most likely to detect co-variation or relationship between variables in the population.

Population - The total number, in each category, of residential and non-residential customers for the jurisdictional entity.

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Range of responses - The distance between the highest score and the lowest score.

Rating questions - Questions with response options expressed as a numeric value on a scale of zero to ten.

Respondents - The number of respondents (those who are reached and complete the survey).

Response rate - This is calculated by dividing the number of respondents by the number of prospective respondents contacted.

Sample size - The total number of randomly selected customers, including those who responded and those who did not.

Sampling frame - The size of the accessible population from which a sample is drawn. For example, where jurisdictional entities draw the sample from their customer databases, the sampling frame is identical to the population. Where jurisdictional entities use random digit dial, the sampling frame shall be valid telephone numbers.

Standard chi-square test - A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there were no relationship between variables.

Statistically significant - Differences at the .05 probability level and/or relationships with a statistically significant correlation of .75 or higher.

Yes/no questions - Questions with yes or no response options.

(Source: Added at 24 Ill. Reg. 12914, effective SEP 1 2000)

Section 411.305 Customer Survey Requirements

a) The survey addresses the following topics:

- 1) Residential and non-residential screening;
- 2) Overall satisfaction;
- 3) Reliability performance;
- 4) Customer service performance;
- 5) Understanding of services;
- 6) Tree-trimming performance;
- 7) Billing; and
- 8) Demographics and firmographics.

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b) The research objectives for these surveys are to provide the Commission with basic knowledge about:

- 1) Consumer understanding of electric delivery services and prices for residential, commercial and industrial consumers for each utility;
- 2) Consumer satisfaction with electric delivery services and reliability; and
- 3) Changes in understanding and satisfaction over time for residential and non-residential consumers and within subgroups.

(Source: Added at 24 Ill. Reg. 12914, effective SEP 1 2000)

Section 411.310 General Characteristics of the Customer Survey

a) The customer survey shall be conducted annually, in the fall, on the anniversary of the initial survey.

b) The survey shall be identical for all jurisdictional entities.

c) The survey shall be conducted for residential and non-residential customers. For the residential population, the survey respondent shall be the person in the household who is most familiar with the household's electric service. For non-residential customers, the survey respondent shall be the person who is most familiar with electric service in the organization.

d) For each jurisdictional entity, the sample size shall be adequate to ensure that answers are reflective of the population at a specified statistical level of confidence and confidence interval as follows:

- 1) For residential customers, sample size shall be sufficient to achieve a 95% confidence level with a confidence interval of + 4.0%. This confidence level and confidence interval equates to 600 respondents for utilities with 10,000 or more residential customers. The sample size for utilities with fewer than 10,000 residential customers would be adjusted by a finite population correction factor calculated as $(N-n)/(N-1)$, where N = population size and n = originally required sample size.

- 2) For non-residential customers, sample size shall be sufficient to achieve a 95% confidence level with a confidence interval of + 4.9%. This level of confidence and confidence interval equates to 400 respondents for utilities with 10,000 or more non-residential customers and accordingly fewer (i.e., $(N-n)/(N-1)$) for smaller jurisdictional entities.

e) Before eliminating a customer and randomly selecting a replacement, the jurisdictional entities shall:

- 1) make a minimum of five telephone calls to each randomly selected customer;
- 2) attempt to reach the randomly selected customer at different times of day;
- 3) call the customer back at the specified time if the customer

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answers the telephone but asks to respond to the survey at a different time; and

4) call back at a time the target respondent is expected at home or office if the telephone is answered by anyone but the target respondent.

(Source: Added 24 Ill. Reg. 12914 effective 7/20/01)

Section 411.315 Survey Implementation

a) The jurisdictional entities shall comply with the following requirements in implementing the survey:

1) Each jurisdictional entity shall identify the most effective sampling frame from which to draw the sample. Whenever sampling frame option is chosen, a jurisdictional entity should continue with the chosen option for all subsequent tracking studies unless the independent reviewer finds cause to recommend an alternative sampling frame. Sampling frame options include:

- A) A jurisdictional entity's customer database. If the jurisdictional entity does not have the telephone number for a randomly selected customer, it shall attempt to locate that telephone number in other available utility databases or purchase telephone numbers from an outside data provider;
- B) Random digit dial; and
- C) Purchased lists;

2) An independent reviewer, such as a market research firm, shall review the sampling methodology and response rates each year to confirm that survey results adequately represent the entire population and are expected to be standard among jurisdictional entities. If a jurisdictional entity's survey results do not adequately represent the entire population and/or are not expected to be standard among jurisdictional entities, the independent reviewer shall recommend specific remedies or an alternative sampling frame for the following year:

- 3) Each jurisdictional entity shall provide the name of a contact person, if available from its database, to respond to the survey for any randomly selected industrial customer known as an industrial customer at the time of selection;
- 4) A jurisdictional entity shall not volunteer the name of any specific electricity provider during the course of the survey interview;
- 5) A jurisdictional entity shall not offer incentives to encourage survey respondents to participate;
- 6) Jurisdictional entities shall not add questions to the survey;
- 7) In a single year, the same trained team of interviewers shall be used to ensure consistency in conducting the interviews;
- 8) Interviewers shall be trained to conduct the interviews

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effectively and efficiently to minimize any potential for interviewer bias; and

g) A jurisdictional entity shall use, or cause to be used, a computer-assisted telephone interview software package that displays Mimeo Form ICC2114/20R as the survey instrument on-screen and allows answers to be entered directly into the system.

b) Jurisdictional entities are encouraged to join together to hire a single research firm to execute the survey. If the jurisdictional entities elect to use a market research firm, the number of attempts promised by the firm, as well as the firm's past success at achieving a high response rate, shall be included in the selection criteria for the firm. Requests for proposals shall specify that the market research firm complies with the specifications of Sections 411.310 and 411.315 of this Part.

c) Jurisdictional entities shall pre-test the survey instrument with a total of 30 randomly selected residential respondents and 30 randomly selected non-residential respondents for all the jurisdictional entities combined. If any portion of the survey instrument is confusing to respondents, then the jurisdictional entities shall propose wording changes that preserve the meaning but provide clarity. These proposed wording changes shall be subject to approval by the Commission.

(Source: Added at 24 Ill. Reg. 12914 effective 7/20/01)

Section 411.320 Format for Results of the Customer Satisfaction Survey

Each jurisdictional entity shall present the survey responses as part of the annual report to the Commission as required by 93 Ill. Adm. Code 411.120(b)(3)(G)(v). The annual report shall include the following information regarding the results of the customer satisfaction survey, described in greater detail in Sections 411.325 through 411.360 of this Part:

- a) General information regarding the survey population, sampling frame, sample size and response rates;
- b) An executive summary;
- c) Summary descriptive information about survey responses for each question and for correlated questions, known as descriptive statistics, according to a standard format for all jurisdictional entities;
- d) Statistically significant contingency between demographic questions cross-tabulated with each of: rating questions, yes/no questions, and categorical questions;
- e) Statistically significant contingency between rating questions cross-tabulated with each of: yes/no questions, demographic questions, and categorical questions; and
- f) Comparative responses for the current year and the preceding four

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years.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.323 Raw Data**

Each jurisdictional entity shall make the raw data of survey responses available to the Commission for a period of five years after the submittal date of the annual report presenting the results of the survey. The Commission shall maintain the confidentiality of the raw data of survey responses.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.325 Survey Parameters**

Each jurisdictional entity must provide the following general information about the survey parameters:

- Population;
- Sampling frame;
- Sample size; and
- Number of respondents and number of non-respondents.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.330 Categories of Responses for Survey Questions**

a) There are three categories of responses for the questions on the customer satisfaction survey:

- Rating questions;
- Yes/no questions; and
- Categorical questions.

b) The survey instrument shall indicate whether the question is a rating question, a yes/no question, or a categorical question.

c) The survey respondents shall not be given "N/A" (which shall be taken to mean "No Answer") or "Don't Know" as a response option. However, the person administering the survey shall have the option of recording these types of responses if applicable. The jurisdictional entities shall report the number of respondents who declined to answer each question.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.332 Descriptive Statistics**ILLINOIS COMMERCE COMMISSION
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a) The results of the customer satisfaction survey shall list, for each question, the number and percent of responses tabulated in each response category, including the total number of respondents and not including non-respondents. Responses that are reported in percentages shall be carried out to one decimal point.

b) The jurisdictional entities shall refer to Sections 411.335, 411.340, and 411.345 of this Part in presenting the results of the customer satisfaction survey as part of the annual report to the Commission. Each entity shall provide information on a question-by-question basis, including every survey question, in conformance with the specifications listed in Sections 411.335, 411.340, and 411.345 of this Part.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.335 Rating Questions**

a) For the questions in the results of the customer satisfaction survey where there is a range of answers from 0-10, the descriptive statistics shall include the following information:

- The total number of responses and non-responses (N/As);
- The number and percentage of respondents that answered in each response category;
- The mean response;
- The median response;
- The modal response; and
- The range of responses.

b) Jurisdictional entities shall also present cross-tabulations indicating statistically significant relationships between rating questions and categorical questions to show how respondents in different categories rated the questions, as follows:

- The number and percent of responses in each demographic category; and
 - A ranking from highest to lowest of the mean, median, modal and range of responses for each demographic type.
- c) Statistically significant cross-tabulated statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of, and/or differences of, .5 or higher at the .05 probability level.

(Source: Added at 24 Ill. Reg. 12914, effective SEP - 1 2000.)**Section 411.340 Yes/No Questions**

a) For the questions in the results of the customer satisfaction survey

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where the response is "yes/no," the following descriptive statistics shall be included:

- 1) The number and percent of responses and non-responses; and
 - 2) The number and percent of yes and no responses.
- b) Yes/no questions shall also be cross-tabulated with demographic questions to show how respondents in different categories answered the questions, including the number and percent of responses in each demographic category.
- c) Statistically significant cross-tabulated statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of .5 and/or differences of .5 or higher at the .05 probability level.

(Source: Added at 24 Ill. Reg. 12914, effective 12/1/2000)

Section 411.345 Categorical Questions

- a) For the categorical questions in the results of the customer satisfaction survey, the following descriptive statistics shall be included:

- 1) The number and percent of responses and non-responses;
- 2) The number and percent of responses in each category;
- 3) The modal response; and
- 4) A ranking of the responses from the most frequent to the least frequent.

- b) Non-demographic categorical questions shall also be cross-tabulated with demographic questions to show how respondents in different categories answered the questions, including the number and percent of responses in each demographic category.

- c) Statistically significant cross-tabulated statistics describing responses by income shall present the income as the income per household. Jurisdictional entities shall only report relationships with a statistically significant correlation of .5 and/or differences of .5 or higher at the .05 probability level.

(Source: Added at 24 Ill. Reg. 12914, effective 12/1/2000)

Section 411.350 Data Comparisons

- a) The jurisdictional entities shall cross-tabulate data for the following two groupings of survey results:

- 1) Demographic Cross-Tabulations - Responses to demographic questions shall be cross-tabulated by each of: rating questions, yes/no questions, and categorical questions; and
- 2) Rating Cross-Tabulations - Responses to rating questions shall be

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cross-tabulated by each of: yes/no questions, categorical questions and demographic questions;

b) The statistic used to examine differences in the data shall be the chi-square;

c) The jurisdictional entities shall present relationships, as determined based on the standard chi-square test, using a contingency table;

d) All statistically significant differences between the observed and expected response at the .05 probability level shall be noted;

e) The jurisdictional entities shall use correlation coefficients to indicate the direction and strength of the relationship between reported ratings of satisfaction and responses to each survey question;

f) The jurisdictional entities shall present relationships, as determined based on the Pearson Product Moment Correlation, using a correlation table; and

g) All relationships with a statistically significant correlation that has an absolute value of .5 or higher shall be noted and shall be explained in the executive summary.

(Source: Added at 24 Ill. Reg. 12914, effective 12/1/2000)

Section 411.355 Tracking the Results of the Customer Satisfaction Survey

- a) The initial results of the customer satisfaction survey shall establish a baseline of responses and serve as a point of comparison for future responses.

- b) After the first year that each question is used, each jurisdictional entity shall provide a comparison of the current year responses to the historical responses. For years two, three and four, the jurisdictional entities shall show historical responses for two, three and four years, respectively. For the fifth year and after, jurisdictional entities shall show comparative responses for the current year and the preceding four years (five years in total).

c) If a question is deleted, then it shall not be necessary to present historical information in the annual report for the deleted question.

d) If a question is modified, then the modified question shall establish a new baseline of responses and serve as a point of comparison for future responses.

e) For modified questions, after the first year, each jurisdictional entity shall provide a comparison of the current year responses to the historical responses. For years two, three and four, the jurisdictional entities shall show historical responses for two, three and four years, respectively. For the fifth year and after, jurisdictional entities shall show comparative responses for the current year and the preceding four years (five years in total).

(Source: Added at 24 Ill. Reg. 12914, effective 12/1/2000)

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Section 411.360 Executive Summary

Jurisdictional entities shall submit, in accordance with Section 411.160, an executive summary describing in narrative form the meaning of the statistical information derived from the survey results. This executive summary shall be sufficient to communicate to the Commission customers' responses on all the survey questions, with emphasis on:

- a) Areas of particular satisfaction and dissatisfaction;
- b) Changes over time; and
- c) Statistically significant relationships between rating questions and other questions and demographic questions and other questions.

(Source: Added at 24 Ill. Reg. 12914, effective SEP 1 2000.)

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- 1) Heading of the Part: Certification

- 2) Code Citation: 23 Ill. Adm. Code 25

- 3) Section Number: Adopted Action:

25.11	Amendment
25.60	Repeal
25.65	Amendment
25.311	Amendment
25.322	Amendment
25.435	Repeal
25.442	Amendment
25.450	Amendment
25.455	Amendment
25.800	New Section
25.805	New Section
25.810	New Section
25.815	New Section
25.820	New Section
25.825	New Section
25.830	New Section
25.832	New Section
25.835	New Section
25.840	New Section
25.845	New Section
25.848	New Section
25.850	New Section
25.855	New Section
25.860	New Section
26.865	New Section
25.870	New Section
25.875	New Section
25.880	New Section
25.885	New Section
- APPENDIX B
Amendment

- 4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

- 5) Effective Date of Amendments: August 14, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available

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for public inspection.

9) Notice of Proposal Published in Illinois Register: March 24, 2000; 24 Ill. Reg. 4302

10) Has JCAB issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

In Section 25.311(b), a semi-colon has been inserted after the phrase "and recommendation by that institution".

A sentence has been added to Section 25.805(a) to amplify the requirement for individual improvement goals.

In subsections (f) and (g) of Section 25.805, the semi-colons have been placed outside the quotation marks around "CEUs" and "CPDUs", and the phrase "at least one unit" has been replaced with "an identified portion of at least one activity" in both subsection (f)(2) and subsection (g)(2).

The second sentence of Section 25.815(a) has been revised to read, "Except as provided in subsection (d)(3) of this Section, each such certificate-holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held." In the next sentence, as well as in Section 25.830(e), the term "certificate-holder" has been hyphenated.

Section 25.815(a)(5) has been revised to refer to "subsections (a)(2) through (4) of this Section."

The date stated in Section 25.815(g)(3) has been changed from November 1, 2000, to January 1, 2001.

The first sentence of Section 25.815(g) has been expanded by adding, "and shall not be used in the employer's evaluation of the certificate-holder". Section 25.832(d) has been rewritten to permit renewal of master certificates even when certification by the National Board for Professional Teaching Standards is not renewed.

Section 25.835(j) has been expanded to include an additional circumstance under which the regional superintendent will return an individual's registration fee.

The cross-reference that appears in subsections (j)(2)(B) and (j)(3)(B) of Section 25.835 has been corrected.

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In subsection (k)(2) of Section 25.835, the term "certificate-holder">94, has been hyphenated.

An extraneous period has been deleted from Section 25.840(b)(2).

The last phrase in Section 25.845(g) has been restated as, "subject to the requirements of this Subpart J."

Section 25.850(e)(1) has been amplified.

Section 25.850(g) has been rewritten to clarify the regional superintendent's responsibility in connection with certificate-holders' compliance with Section 10-65 of the Illinois Administrative Procedure Act regarding child support.

Section 25.855(a) has been revised to provide for an exception as stated in subsection (b) of that Section, and the requirements stated under subsection (a) have been rewritten. New material has been added as subsection (b) to provide for approval for affiliates, and all the subsequent subsections have been relabeled accordingly.

The material required pursuant to Section 25.855(c) has been expanded to include "instructional method", and a sample of the syllabus, program, or outline will also be required.

The requirements for verifying attendance and securing and maintaining participants' evaluation forms (within Section 25.855(c)) have been reorganized.

A new second sentence has been inserted into Section 25.855(k) to require the provision of schedules of training events upon request by the State Board. New material has been added as subsections (c) and (d) of Section 25.860, to provide for the awarding of continuing education units and to clarify an instance when provider approval is not needed.

The introduction to Section 25.865 has been revised and expanded. Section 25.870(b) has been reworded to clarify its intent, and subsection (c) has been deleted.

The introduction to Section 25.875 has been expanded to include an additional requirement related to evidence of completion.

A sentence has been added to the end of Section 25.875(h)(2) to permit each type of supervision to be counted once.

Section 25.875(k)(3)(A) has been amplified and the cross-reference it contains has been corrected.

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A new subsection (y) has been added to Section 25-875.

Statutory citations throughout Section 25-875 have been corrected.

Section 25-880(c) has been retyped in capital letters to denote that it paraphrases the statute, and an extraneous period has been deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes; see 24 Ill. Reg. 9915 (July 7, 2000).

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The main purpose of this set of amendments is to implement the requirement for continuing professional development first set forth in connection with the new system of certificates by P.A. 90-548 (House Bill 452 of 1997) and subsequently amplified by P.A. 91-102 (Senate Bill 556 of 1999). The rules for continuing professional development are found in the new Subpart V. However, those pieces of legislation also made changes in a number of other areas related to certification, and the corresponding rules are also being updated at this time.

16) Information and questions regarding these adopted amendments shall be directed to:

Dennis Williams
Division of Certificate Renewal
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 557-8393

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section
25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section
25.11 New Certificates (February 15, 2000) (July 17, 1999)
25.15 Standards for Certain Certificates
25.20 Requirements for Initial Elementary Certificate
25.30 Requirements for Initial Secondary Certificate
25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates
25.40 Requirements for Initial Special K-12 Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

Section
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

Section
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificate
25.80 Requirements for Initial Early Childhood Certificate
25.80 Transitional Bilingual Certificate and Examination
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate
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SUBPART C: IMPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

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- 25.125 Fifth-Year Review
 25.130 Procedures for Initial Recognition as a Teacher Education Institution (Repealed)
 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003
 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000
 25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia (Repealed)
 25.145 Approval of New Programs Within Recognized Institutions
 25.150 The Periodic Review Process (Repealed)
 25.155 Initial Recognition Procedures Effective July 1, 2000
 25.160 Notification of Recommendations; Decisions by State Board of Education
 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

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 25.210 Requirements for the Certification of School Social Workers
 25.220 Requirements for the Certification of Guidance Personnel
 25.230 Requirements for the Certification of School Psychologists
 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

- Section
 25.310 Definitions (Repealed)
 25.311 Administrative Certificate
 25.313 Alternative Route to Administrative Certification
 25.315 Renewal of Administrative Certificate
 25.320 Application for Approval of Program (Repealed)
 25.322 General Supervisory Endorsement
 25.324 Standards and Guide for Approved Programs (Repealed)
 25.330 General Administrative Endorsement
 25.333 Chief School Business Official Endorsement
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SUBPART F: GENERAL PROVISIONS

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 25.405 Military Service
 25.410 Revoked Certificates
 25.415 Credit in Junior College
 25.420 Psychology Accepted as Professional Education
 25.425 Individuals Prepared in Out-of-State Institutions
 25.427 Three-Year Limitation
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- 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
 25.437 Equivalency of General Education Requirements (Repealed)
 25.440 Master of Arts NCATE
 25.442 Illinois Teacher Corps Programs
 25.445 College Credit for High School Mathematics and Language Courses
 25.450 Lapsed Certificates
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 25.460 Provisional Special and Provisional High School Certificates
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 25.475 Certificates and Permits No Longer Issued
 25.480 Credit for Certification Purposes
 25.485 Provisional Recognition of Institutions (Repealed)
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
 25.493 Part-time Teaching Interns
 25.495 Approval of Out-of-State Institutions and Programs
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

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SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

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APPENDIX A Statistical Test Equating - Certification Testing System
APPENDIX B Certificates Available Effective February 15, 2000 duty-17-1999
APPENDIX C Exchange of Certificates
APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers, adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044,

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effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19748, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. **12-03-0**, effective **3/16/4 2000**.

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000) (duty-17-1999)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000 duty-17-1999. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000 duty-17-1999, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000 duty-17-1999, shall continue to be acceptable for those assignments.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection subsections (d) and (e) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the "applicable examinations" for a standard certificate shall include not only the relevant standard certification examination but also the examination required for the comparable initial certificate. An out-of-state

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applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time credited outside Illinois.

3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000 July-1999, may qualify for an initial teaching certificate by passing the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part.

d) An individual who has completed four years of teaching after receiving on an initial certificate may qualify for a comparable standard certificate by passing the relevant standard teaching certificate examination required by Section 21-2 of the School Code. Beginning July 1, 2003, this examination shall be designed to demonstrate whether candidates' induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examination required at that time and meeting all other requirements then in force for that certificate.

3) A candidate who has taught for four years on an initial certificate but fails the standard teaching certificate examination may retake the examination but may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate.

4) When an individual completes four years of teaching experience on

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an initial certificate, that certificate shall become invalid on the following June 30--except that--through June--30--2003--individuals who are credited with accumulated teaching time on a certificate from another state may use their Illinois initial teaching certificates for up to four years of teaching in order to enable them to meet the requirements of subsection (e) of this Section.

e) Through June 30--2003--the standard teaching examination shall consist of an evaluation of each individual's professional development based upon the factors enumerated in this subsection (e)--A candidate shall be considered to have passed the standard teaching examination if he or she accumulated 90 points by completing items from the following list--documented as indicated for the respective items:

- 1) Completion of all required activities in pursuit of certification by National Board for Professional Teaching Standards (NBPTS)--(99 points--document issued by NBPTS);
- 2) Possession of a master's degree or doctorate--(90 points--official transcript showing the degree);
- 3) Receipt of an additional endorsement or certificate--including completion of all required coursework--(90 points--endorsed certificate);
- 4) Additional years of teaching experience (beyond four) in a school other than a home school--(25 points for every year of experience up to a maximum of 75 points--letter signed by chief administrator delineating length of employment and equivalence to full-time);
- 5) Three-semester hours of college coursework beyond completion of the bachelor's degree--(25 points--with 25 additional points if related to a priority area identified by the State Board of Education--official transcript showing passing grade);
- 6) Supervision of students--teachers or provision of mentoring services as part of a formal program or arrangement--(20 points per semester--signed statement from chief administrator--National Board--or--for--Professional Teaching Standard--or--State Superintendent of Education);
- 7) Participation in a formally structured induction or orientation program--(20 points per semester--signed statement by chief administrator);
- 8) Service on school or district improvement team--curriculum development committee or other similar endeavor--intended to improve instruction or students' achievement--(40 points per semester--signed statement by chief administrator);
- 9) Sponsorship of a semester-long student activity or organization related to the field of teaching--assignment--(20 points per semester--signed statement by chief administrator);
- 10) Participation in a continuing professional development activity sponsored by an entity such as a school district regional office or--educational--intermediate--service--center--or--professional

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educational organization or by the State Board of Education that is intended to improve instruction or students' achievement (15 points per activity signed statement from sponsor affirming participation)

f) A holder of a teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for both the comparable initial certificate and the standard teaching certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45 and/or 25.80 of this Part, as applicable).

g) "Four years of teaching experience" means "the equivalent of four years' full-time employment, i.e., four times 180 days of instruction consisting of no fewer than five clock-hours apiece, which may be accumulated in increments of less than full time."

h) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

i) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

j) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.50 General Certificate (Repealed)

the applicant must be a recognized specialist in his/her occupational field. The employing board must request the issuance of the certificate.

(Source: Repealed at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.65 Alternative Certification

a) Section 21-5b of the School Code [105 ILCS 5/21-5b] provides for the issuance of provisional alternative teaching certificates and **initial standard alternative teaching certificates, valid for teaching in a district located in a city with a population in excess of 500,000 inhabitants, to eligible candidates, as defined in that Section, who successfully complete a program consisting of:**

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1) a course of study approved by the State Board of Education;
2) one year's full-time teaching; and
3) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.

b) Proposals seeking to establish programs meeting the specifications of subsection (a) of this Section shall be addressed as follows:

State Board of Education

Alternative Certification Program

100 North First Street

Springfield, Illinois 62777-0001

c) Each proposal shall indicate the maximum number of teaching candidates to be served by the proposed program in each of its sessions.

d) Each proposal, simultaneously with State Board of Education staff's review, will be reviewed by the State Teacher Certification Board, which shall provide its recommendation to the State Board of Education, so that the State Board of Education may comply with the timeline set forth in Section 21-5b of the School Code.

e) A proposed course of study will be approved by the State Board of Education if the proposal demonstrates how candidates will acquire the knowledge of the content and the skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Subpart B Section 25-120 of this Part with regard to:

- 1) educational theory;
- 2) instructional methods; and
- 3) practice teaching.

f) The assessment of the candidate's teaching performance for the year referred to in this Section shall include components that are designed to demonstrate that the candidate is:

- 1) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
- 2) skilled in managing and monitoring students' learning.

(Source: Amended at 24 Ill. Reg. 12930, effective AUG 14 2000)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section 25.311 Administrative Certificate

Except as provided in Section 21-5d of the School Code [105 ILCS 5/21-5d], the Administrative certificate requires:

- a) a master's degree awarded by a regionally accredited **recognized teacher-education** institution of higher learning; and
- b) completion of a program approved for one of the endorsements specified

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in Section 25.322 through 25.355 of this Part at a recognized Illinois teacher education institution and recommendation by that institution; or satisfaction of the conditions specified in Section 25.425 of this Part.

(Source: Amended at 24 Ill. Reg. 12 9 3 0, effective 9/16/14 2000)

Section 25.322 General Supervisory Endorsement

a) Until July 1, 2003, this endorsement shall be as required for supervisors, curriculum directors and other similar or related positions as indicated in 23 Ill. Adm. Code 1-Appendix B. Beginning July 1, 2003, this endorsement shall no longer be issued, and each individual newly assuming any such position who does not already hold the general supervisory endorsement shall be required to hold either the general administrative or the superintendent's endorsement.

b) Minimum Requirements of Graduate-Level Study

- | | |
|--|----------------|
| 1) Areas of Study | Semester Hours |
| A) Curriculum | 3 |
| B) Educational Research | 3 |
| (Work in areas (A) and (B) combined must total eight (8) semester hours. | 8 |
| C) Supervision and Staff Development | 8-9 |
| Must include work that which provides knowledge of: | |
| i) instructional leadership; | |
| ii) program and staff evaluation; and | |
| iii) program and staff development. | |
| D) Schools and Public Policy | 8-9 |
| Must include work that which provides knowledge of: | |
| i) parent/teacher communication; and | |
| ii) parent involvement in schools. | |
| E) Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity. | |
| 2) Two years of full-time full-time teaching experience or school service personnel experience as specified in Section 21-7.1(e)(1) 21-7.1(f) of the School Code [105 ILCS 5/21-7.1(e)(1) 21-7.1(f)] | |

(Source: Amended at 24 Ill. Reg. 12 9 3 0, effective 9/16/14 2000)

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SUBPART F: GENERAL PROVISIONS

Section 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)

~~A--School--Service-Personnel-Certificate-with-an-endorsement-in-guidance-may-be issued-to-those-holders-of-an-existing-standard-teaching-certificate-who-meet the-additional--graduate--requirements--in--the--area-of-guidance-and-who-give evidence-of-preparation-at-both-the-elementary-and-secondary-level-~~

(Source: Repealed at 24 Ill. Reg. 12 9 3 0, effective 9/16/14 2000)

Section 25.442 Illinois Teacher Corps Programs

Section 21-11.4 of the School Code [105 ILCS 5/21-11.4] establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career.

a) Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the Superintendent of Education. The Superintendent, in consultation with the State Teacher Certification Board, shall approve such programs in accordance with the following requirements:

1) The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.

2) Each Teacher Corps program shall establish the following requirements:

- A) Program participants must earn a resident teacher certificate as defined in Section 21-11.3 of the School Code [105 ILCS 5/21-11.3] and must possess the certificate upon entry into the program.
- B) Program participants must possess a bachelor's degree from a recognized regionally accredited institution of higher education with at least a 3.00 out of a 4.00 grade point average or its equivalent.
- C) Program participants must:
 - i) possess a minimum of five years of professional experience in the area in which the candidate wishes to teach; professional experience shall mean experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or
 - ii) participate in a one-year teacher preparation

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internship in a school district, which shall be developed collaboratively by the school district and the institution and approved by the State Teacher Certification Board.

- D) Program participants must pass the test of basic skills required by Section 21-1a of the School Code [105 ILCS 5/21-1a].
- E) Program participants must be enrolled in a master's of education degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.
- 3) Teacher Corps Program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.
- 4) Teacher corps program participants must obtain a passing score on the subject matter knowledge test required by Section 21-1a of the School Code by the time of completing the Teacher Corps Program.
- 5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:
 - A) A salary and benefits package as negotiated through the teacher contracts,
 - B) A certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and
 - C) At least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.
- b) Upon successful completion of the master's degree Teacher Corps Program, the participant shall be awarded an initial elementary, secondary, or special certificate(s), as applicable, and all other general education academic coursework deficiencies shall be waived.

(Source: Amended at 24 Ill. Reg. 12930, effective 4/16/4/2000)

Section 25.450 Lapsed Certificates

- a) A lapsed certificate, one that has not been registered or renewed for a period of five years since expiration of last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.
- b) The Regional Superintendent shall notify the holder of a reinstated certificate of:

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- 1) The specific time of reinstatement, including beginning and ending dates.
- 2) The requirement that during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:
 - A) Earn five semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or
 - B) Present evidence of holding a valid regular Illinois certificate of some other type.
- c) As a reinstated certificate is a renewed certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.
- d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.
- e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.
- f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.
- 1) Subsequent renewals of such an individual's certificate(s) shall be contingent upon preparation of a continuing professional development plan that meets the requirements of Section 25.805 of this Part, completion of the activities set forth in that plan during the certificate's period of validity, and presentation of the required evidence of completion for each such activity.
- 2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended at 24 Ill. Reg. 12930, effective 4/16/4/2000)

Section 25.455 Substitute Certificates

Pursuant to Section 21-9 of the School Code [105 ILCS 5/21-9], a Substitute Certificate may be issued to an applicant who has had two years of teaching experience. Such an individual shall present and presents evidence of having a minimum of sixty (60) semester hours of college credit, including six semester hours in the field of professional education earned in a recognized institution of higher learning, effective July 1, 1966. Teaching experience for a

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Substitute Certificate is defined as teaching in an elementary or secondary school.

(Source: Amended at 24 Ill. Reg. 12930, effective 1/14/2000)

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development Required

- a) Pursuant to Section 21-2 of the School Code [105 ICS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. The terms "certificate renewal plan," "plan for continuing professional development," "continuing professional development plan," and "plan" shall also be considered synonymous.
- b) Except as provided in Section 25.880 of this Part, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's:
- 1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee in accordance with Section 25.815 of this Part;
 - 2) completion of the activities enumerated in the plan; and
 - 3) completion of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.
- c) A certificate-holder with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or certificates that are required for his or her certificated teaching position, if the certificate-holder is employed and performing services in an Illinois public or state-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ICS 5/21-14(e)(2)].

(Source: Added at 24 Ill. Reg. 12930, effective 1/14/2000)

Section 25.805 Requirements of the Plan

- a) The continuing professional development plan of each affected certificate-holder shall include at least three individual improvement

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goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ICS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skills to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in this Part.

- b) Each continuing professional development plan shall include activities that:

- 1) Advance the certificate-holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;
 - 2) Develop the certificate-holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.810 of this Part); and
 - 3) Address the knowledge, skills, and goals that are relevant to the certificate-holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.
- c) A continuing professional development plan may also include activities that expand the certificate-holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.
- d) Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(C) of the School Code [105 ICS 5/21-14(e)(3)(C)]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.
- e) Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in subsection (b)(1) of this Section (Section 21-14(e)(3)(A) of the School Code [105 ICS 5/21-14(e)(3)(A)]).
- f) Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:
- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;
 - 2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
 - 3) any remaining units address the purpose specified in subsection

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(c) of this Section.

g) Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:

- 1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;
- 2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and
- 3) any remaining units address the purpose specified in subsection (c) of this Section.

h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section. Provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:

- 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
- 2) one CEU shall be considered the equivalent of 5 CPDUs.

i) The provisions of subsections (e) through (h) of this Section shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.880 of this Part.)

j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:

- 1) identify the certificate-holder;
- 2) list all certificates and endorsements held;
- 3) indicate the period of validity;
- 4) identify the certificate-holder's current position or assignment;
- 5) identify the certificate-holder's improvement goals;
- 6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and
- 7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.

k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: ~~Added~~ at 24 Ill. Reg. 12930, effective _____)

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Section 25.810 State Priorities

The "State priorities" referred to in Section 25.805(b)(2) of this Part shall periodically be identified by the State Board of Education.

a) No later than 60 days after the State Board votes to establish or change the list of such priorities, the agency shall so notify each school district superintendent, each regional superintendent of schools, and any organization that requests such notification. This notice shall include a list of the priorities and state the date upon which the list takes effect.

b) A certificate-holder whose approved plan for professional development contains activities that address one or more of the State priorities may complete those activities and shall be allowed to count their completion toward fulfilling the requirements of this Subpart J, even if changes are made to the list of priorities during his or her certificate's period of validity.

(Source: Added at 24 Ill. Reg. 12930, effective April 4, 2000)

Section 25.815 Submission and Review of the Plan

a) Each certificate-holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(j) of this Part. Except as provided in subsection (d)(3) of this Section, each such certificate-holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held. Submission and approval of this plan shall not entitle the certificate-holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

1) Each certificate-holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105 ILCS 5/21-14(d)], other than a State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("PPDC") that is responsible for certificates of the relevant type. (See Section 25.845 of this Part.)

2) Each certificate-holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in

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Section 21-14 of the School Code) is done. Certificate-holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article 13A of the School Code [105 ICS 5/Art. 13A] shall be subject to this subsection (a)(2).

3) Each certificate-holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.

4) Each certificate-holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.

5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (a)(2) through (4) of this Section.

b) An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate-holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.

c) Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (c).

1) Fewer than three personal goals for improvement are set forth in the plan.

2) A proposed activity does not relate to any of the certificate-holder's goals for improvement.

3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate-holder.

4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.

5) The projected timeline for completion of the proposed activities will not permit their completion within the period of validity of the individual's certificate(s).

d) A certificate-holder may either await approval of his or her plan before engaging in the activities it contains or engage in activities while the plan is pending.

1) If a certificate-holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.

2) Except as provided in subsection (d)(3) of this Section, if an

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individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this Subpart J.

3) An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before January 1, 2001, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.

4) In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate-holder shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate-holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.

e) Upon notification that his or her proposed plan has been disapproved, a certificate-holder may either:

1) modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or

2) appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25-950 of this Part.

f) An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved.

1) If the RPDRC disagrees with the LPDC, the plan shall be approved.

2) If the RPDRC agrees with the LPDC, the plan shall be disapproved and the certificate-holder shall submit a revised plan to the responsible LPDC.

3) The RPDRC shall notify both the certificate-holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of Education.

g) Each certificate-holder's plan for continuing professional development and all other documents relating to it shall be considered part of the individual's certification file and shall not be used in the employer's evaluation of the certificate-holder. Each certificate-holder's file shall be stored separately from other employees and/or personnel files and shall be maintained by the LPDC. Access to these documents shall be limited to the certificate-holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the

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information contained in them shall maintain the confidentiality of the documents and information at all times.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.820 Review of Approved Plan

- a) A certificate-holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.
- b) A certificate-holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:
 - 1) a certificate-holder accepts employment in a different district;
 - 2) a certificate-holder is assigned to teach at a different attendance center;
 - 3) a certificate-holder is assigned to teach in a different subject area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or
 - 4) a certificate-holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.
- c) The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.825 Progress Toward Completion

When a certificate-holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable the certificate-holder to identify all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.

- a) The LPDC shall review the evidence of completion in the context of the certificate-holder's approved plan and shall notify the certificate-holder within 45 days whether the credits claimed have been awarded.
- b) Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:
 - 1) the activity in question does not relate to any of the

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- 2) individual's goals for improvement; the activity does not relate to one or more of the purposes identified by the certificate-holder;
 - 3) the number of credits claimed by the certificate-holder does not conform to the applicable provisions of Section 25.875 of this Part;
 - 4) the activity was not conducted by an approved provider, if approval of the provider is required;
 - 5) the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or
 - 6) the certificate-holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.
- c) If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate-holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.
- d) The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)].
- e) A disagreement between a certificate-holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPDRC.

- 1) If the RPDRC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate-holder.
- 2) If the RPDRC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate-holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).
- 3) The RPDRC shall notify both the certificate-holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.

- f) Awarding of credit shall not entitle the certificate-holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

- g) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question satisfies the requirements of the plan applicable to that period.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

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Section 25.830 Application for Renewal of Certificate(s)

No sooner than September 1 and no later than March 1 of the final year of his or her certificate's period of validity, each certificate-holder shall submit to the responsible LPDC, on a form provided by the State Board of Education, a unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.)

- a) The application shall identify by certificate number all the certificatees the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.
 - 1) If the standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.
 - 2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.
 - 3) If the certificates that are due to expire are not renewed, the original period of validity of any more recently issued standard certificate shall continue to apply to that certificate only.
- The application shall provide a summary of the professional development activities completed and the credit awarded or claimed for them.

- c) The application may transmit the required evidence of completion for any activities not yet reviewed and acknowledged by the LPDC that are needed for the certificate-holder's satisfaction of the requirements of Sections 21-2 and 21-14 of the School Code.

- d) A certificate-holder who wishes to receive evidence of the LPDC's receipt of his or her application shall include a receipt for the LPDC's use.

- e) Submission of this application form shall not entitle the certificate-holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

- f) A certificate-holder who does not apply by March 1 may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.832 Validity and Renewal of Master Certificates

- a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.
- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate,

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any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.

- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met.
- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.835 Review of and Recommendation Regarding Application for Renewal

- a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.

- b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.

- c) If requested to do so, the LPDC shall:

- 1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or
 - 2) reconsider its recommendation.
- The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:
- 1) states the recommendation and the rationale for it;

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- 2) indicates the date on which the recommendation was forwarded to the regional superintendent; and
 - 3) includes a return receipt.
- g) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- f) The certificate-holder may appeal to the responsible RPDC for consideration of his or her application for renewal if the LPDC does not respond within any of the timelines set forth in subsections (a) and (d) of this Section.
- g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- h) Within seven business days after receipt of such an appeal, the RPDC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDC within seven business days and shall include:
- 1) the individual's approved plan for continuing professional development, and any amendments that have been made thereto;
 - 2) the evidence of completion submitted by the certificate-holder with respect to each continuing professional development activity for which credit is claimed and the summary form that shows how credits were awarded; and
 - 3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.
- i) Within 45 days after receiving such an appeal, the RPDC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.
- j) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not

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- to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.
- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.
- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
- A) the LPDC's record of review;
 - B) the RPDC's recommendation and the material called for in subsection (i) of this Section, if any; and
 - C) the regional superintendent's rationale for recommending renewal.
- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
- A) the LPDC's record of review;
 - B) the RPDC's recommendation and the material called for in subsection (i) of this Section, if any; and
 - C) the regional superintendent's rationale for recommending nonrenewal.
- k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.
- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.
- A) Appeals shall be addressed to:
- State Teacher Certification Board Secretary
100 North First Street
Springfield, Illinois 62777
- B) No electronic or facsimile transmissions will be accepted.
- C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.
- 2) In addition to the appeal form, the certificate-holder may submit

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the following material when the appeal is filed:

- A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan;

B) any other relevant documents.

- 1) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.840 Action by State Teacher Certification Board; Appeals

- a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(h) of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)], subject to the certificate-holder's right of appeal as specified in that Section.

- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

- 1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
- 2) The State Teacher Certification Board may request that the certificate-holder appear before it. Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)] requires the certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.

- 3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, the State Teacher Certification Board shall review:

- A) The recommendation of the regional superintendent of schools;
- B) The regional professional development review committee's recommendation, if any;
- C) The local professional development committee's recommendation; and
- D) All relevant documentation.

- e) The State Teacher Certification Board shall notify the

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certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that decision.

- 1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Subpart J may apply for a reinstated certificate valid for one year.

- 2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she has:

- A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
- B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.

- 3) In order to comply with the requirement set forth in subsection (c)(2)(A) of this Section, an individual may either complete the plan that was previously in place or submit proposed revisions to the responsible LPDC in order to align the balance of the activities with his or her current teaching assignment.

- d) The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.845 Responsibilities of School Districts

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.

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- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of LPDCs to be established.

1) The number of committees that will operate in a district shall be sufficient to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.

2) Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.

- c) Each school district shall name the administrator and at-large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.

- d) Each school district shall publicize to certificate-holders:

1) the number and respective areas of responsibility of the district's LPDCs;

2) the name of each committee's chairperson; and

3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.

- e) Each school district shall convene the first meeting of one LPDC.

- f) Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur.

- g) Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to the requirements of this Subpart J.

- h) Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.

(source: Added at 24 Ill. Reg. 12930, effective Aug 14 2000)

Section 25.848 General Responsibilities of LPDCs

- a) Each LPDC shall post the schedule of its meetings.
- b) Each LPDC shall comply with the applicable timelines set forth in this Subpart J and shall maintain records demonstrating such compliance.
- c) Each LPDC shall acknowledge in writing its receipt of an application for renewal of an individual's certificate(s) if such an acknowledgment is requested by the certificate-holder pursuant to Section 25.830(d) of this Part.

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- d) Each LPDC shall request from the exclusive representative the appointment of such alternates for its teacher members as may be necessary to ensure that no certificate-holder reviews his or her own plan for continuing professional development, evidence of completion of activities, or application for certificate renewal. If another LPDC is operating within the same school district, such alternates shall be chosen from among the teacher members of that LPDC.

(source: Added at 24 Ill. Reg. 12930, effective Aug 14 2000)

Section 25.850 General Responsibilities of Regional Superintendents

- a) Each regional superintendent of schools shall designate an employee who will be responsible for making all forms required pursuant to this Subpart J available to certificate-holders, members of local and regional professional development committees, and others who need to use them. Each regional superintendent of schools shall also designate an employee who will be responsible for tracking the receipt and distribution of the written materials called for in this Subpart J that are submitted to or through the regional office. Nothing shall preclude the same individual from fulfilling both the functions specified in this subsection (a).

- b) Each regional superintendent shall determine the number of regional professional development review committees needed in the region.

1) The number of committees that will operate in a region shall be at the regional superintendent's discretion, so long as the committees established are able to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.

2) Each regional superintendent may distribute responsibility among RPDCs according to district, building, grade level, type of certificate, subject matter area, or any other factor the regional superintendent deems appropriate.

- c) Each regional superintendent shall publicize the way in which certificate-holders can contact the RPDCs. In each case, the address of the regional superintendent's office shall be identified as the address of the RPDC. If a schedule for RPDC meetings is set, the regional superintendent shall publicize that schedule.

- d) Each regional superintendent shall provide written information to members of the RPDCs concerning the method for reimbursement of their expenses, identification of reimbursable items, and rates of reimbursement.

- e) Each regional superintendent shall receive, review, respond to, and keep on file the plans of the teachers for which he or she serves as the LPDC (i.e., nonpublic school teachers, teachers in State-operated schools, and substitute and inactive teachers who elect to maintain their certificates as valid and active).

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- 1) A regional superintendent may identify one or more designees to assist him or her in functioning as an IPDC and may further designate individuals or committees to provide him or her with advice and recommendations on related matters.
- 2) No designee appointed by the regional superintendent to assist in serving as an IPDC may serve on an RPDC that considers matters related to the same type(s) of certificates.
- 3) Each regional superintendent shall review all recommendations for certificate renewal or nonrenewal and, using a form supplied by the State Board of Education, shall forward those recommendations to the State Teacher Certification Board along with an indication of his or her concurrence or non-concurrence. The regional superintendent shall forward the documentation specified in Section 25.855(i) of this Part as applicable in each case.
- 4) If any individual's application indicates that he or she may be or is out of compliance with Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments, the regional superintendent shall separate any such application or applications from those pertaining to certificates that are recommended for renewal and shall forward them to the Secretary of the State Teacher Certification Board whenever he or she forwards the remainder of the materials called for in subsection (f) of this Section, calling the Secretary's attention to the potential noncompliance.
- 5) Each regional superintendent shall notify all IPDCs and RPDCs in his or her region of the State priorities referred to in Section 25.870 of this Part.
- 6) Based upon information provided by the certificate-holders in his or her region, each regional superintendent shall enter data into the centralized registry indicating the valid and active or valid and exempt status of each certificate for each semester of its validity.

(Source: Added at 24 Ill. Reg. 12930 effective April 4, 2000.)

Section 25.855. Approval of Illinois Providers

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, union, teacher unions, and professional associations and universities, colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved.

- a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of

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- professional knowledge or skill in which the provider wishes to secure approval, the application shall include:
- 1) a description of the intended offerings in terms of relevant standards to be addressed;
 - 2) the qualifications and experience the provider will require of presenters to be assigned in each area;
 - 3) an indication as to whether the application is for approval to issue CEUs or CPDUs, and, if approval is sought for both, identification of the activities that will generate each form of credit; and
 - 4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.
- b) An organization that has affiliates based in Illinois may apply for approval on their behalf.
 - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.
 - 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.
 - 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the status of training should be changed for one or more of the affiliates. Affiliates to be added, the applicant organization shall supply the information required pursuant to subsection (a) of this Section.
 - 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.
 - c) Each provider approved to issue CEUs or CPDUs shall:
 - 1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, intended learning outcomes, location, date, and time of the activity, along with a sample of the syllabus, program, or outline for it;
 - 2) verify attendance at its training activities, provide to the State Board of Education the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;
 - 3) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education;
 - 4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years;

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- and
- 5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);
 - 2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated;
 - 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and
 - 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- h) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.
- i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:
- 1) a description of any significant changes in the material submitted as part of its approved application; or
 - 2) a certification that no such changes have occurred.
- j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.

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- k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time. In the event such an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider. Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.

(Source: Added at 24 Ill. Reg. 12930, effective August 7, 2000.)

Section 25.860 Out-of-State Providers

The requirements for approval of providers not based in Illinois shall be as set forth in this Section.

- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
 - 1) the certificate-holder submits to the LPDC:
 - A) the program, agenda, or other announcement of the event; and
 - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed and dated statement by the certificate-holder to that effect; and
 - 2) the LPDC determines that the program, agenda, or other announcement of the event demonstrates that:
 - A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient has addressed in his or her continuing professional development plan; and
 - B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).
- c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:
 - 1) the requirements of subsection (b) of this Section are met; and
 - 2) the LPDC determines that each activity for which CEUs are claimed

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included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.

- d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.865 Awarding of Credit for Activities with Providers

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use.

- a) This form shall be provided to each participant who completes the activity, who shall present it to the PPC as evidence of completion (see Section 25.875(k) of this Part).

1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.

2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

- b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.

c) The provider shall indicate the number of CEUs issued, if applicable.

d) Local professional development committees shall credit CEUs in the amount issued by the approved provider.

e) Local professional development committees shall examine completion forms to determine the number of CEUs to be credited, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CEUs.

- f) With respect to activities held in Illinois, LPPCs shall credit CEUs of CEUs only when the standard form is presented.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.870 Continuing Education Units (CEUs)

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Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part.

- a) One CEU shall be issued for five clock-hours of a certificate-holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.

b) Time spent in organizational or administrative activities related to the conduct of a professional development activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.

(Source: Added at 24 Ill. Reg. 12930, effective AUG 14 2000)

Section 25.875 Continuing Professional Development Units (CPDUs)

The number of CPDUs to be awarded for completion of specific activities shall be as set forth in this Section. In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.

- a) Participation on collaborative planning and professional improvement teams and committees [105 ILCS 5/21-14(e)(3)(E)(i)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings, eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: Written description of the purpose and intended product of the team or committee, a record of the team's meetings demonstrating the member's attendance, and the plan, activity description, or other product that results from the group's work.

- b) Peer review and coaching [105 ILCS 5/21-14(e)(3)(E)(ii)]

1) Definitions

A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement

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between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

- B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.

2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

3) Evidence of Completion

- A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

- B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

c) *Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(i)(ii)]*

1) Definitions

- A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
- B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and

- 1) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching

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skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or

- ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or

- iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.

C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.

2) Credit

- A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.

- B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

3) Evidence of Completion

- A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

- B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

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- d) *Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.
 - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.
- e) *Coordinating community resources in schools, if the project is a specific goal of the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(v)]
- 1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.
 - 2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.
 - 3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.
- f) *Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(vi)]
- 1) Definitions
 - A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.
 - B) Delivering presentations in the context of a formally

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- established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).
- 2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.
 - 3) Evidence of Completion
 - A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.
 - B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.
- g) *Participating in business, school, or community partnerships directly related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(vii)]
- 1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.
 - 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.
- h) *Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years* [105 ILCS 5/21-14(e)(3)(E)(viii)]
- 1) Definitions
 - A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as supervised teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an

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- approved teacher preparation program.
- B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.
- 2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.
- 3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.
- 1) Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, provided the coursework meets Illinois professional teaching standards or Illinois content area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(e)(3)(f)(ii)]
- 1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.
- 2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.
- 1) Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(f)(iii)]
- 1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.
- 2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.
- 3) Evidence of Completion: A course syllabus, signed contract or

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- agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.
- k) Completing non-university credit directly related to student achievement, school improvement plans, or State priorities [105 ILCS 5/21-14(e)(3)(g)(i)] participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-14(e)(3)(g)(ii)]
- 1) Definitions
- A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 of Section 25.860 of this Part and addresses educational concerns.
- B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
- 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
- 3) Evidence of Completion
- A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
- B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.
- 1) Training as external reviewers for quality assurance [105 ILCS 5/21-14(e)(3)(g)(iii)]
- 1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
- 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
- 3) Evidence of Completion: A certificate issued by the State Board, Training as reviewers of university teacher preparation programs [105 ILCS 5/21-14(e)(3)(g)(iv)]
- 1) Definition: Participation in a complete training sequence

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regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.

2.) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

3.) Evidence of Completion: A certificate issued by the State Board.

4.) Participating in action research and inquiry projects [105 ILCS 5/21-14(e)(3)(H)(i)]

1.) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.

2.) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own classes; 1) CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own classes).

3.) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.

4.) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal [105 ILCS 5/21-14(e)(3)(H)(iii)]

1.) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.

2.) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.

3.) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.

4.) Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(e)(3)(H)(iii)]

1.) Definition: Travel lasting no less than three consecutive, full days, which the LPKC has approved based on a plan submitted by the certificate-holder. The plan shall relate the travel to one or more of the individual's improvement goals, identify the activities or aspects of the travel that will contribute to his

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or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPKC shall be understood to mean that CPDUs will be awarded upon submission of the required evidence of completion.)

2.) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public.

3.) If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.

4.) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.

5.) Participating in study groups related to student achievement or school improvement plans [105 ILCS 5/21-14(e)(3)(H)(iv)]

1.) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.

2.) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3.) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.

4.) Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities [105 ILCS 5/21-14(e)(3)(H)(v)]

1.) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.

2.) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.

3.) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.

5.) Participating in work/learn programs or internships [105 ILCS 5/21-14(e)(3)(H)(vi)]

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- 1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.
- 2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).
- 3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.
- 4) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level [105 ILCS 5/21-14(e)(3)(I)(ii)]
 - 1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group's working sessions.
 - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).
 - 3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.
- 5) Participating in team or department leadership in a school or school district [105 ILCS 5/21-14(e)(3)(I)(iii)]
 - 1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.
 - 2) Credit: Five CPDUs shall be awarded per semester of service.
 - 3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular

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- periods of time relative to the instructional goals of the department, school, or district.
- 1) Participating on external or internal school or school district review teams [105 ILCS 5/21-14(e)(3)(I)(iii)]
 - 1) Definitions
 - A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
 - B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.
 - C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.
 - 2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.
 - 3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convenor verifying the certificate-holder's participation for the duration of the process.
 - 2) Publishing educational articles, columns, or books relevant to the certificate area being renewed [105 ILCS 5/21-14(e)(3)(I)(iv)]
 - 1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.
 - 2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.
 - 3) Evidence of Completion: A copy of each item published, showing

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the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication."

x) *Participating in non-strike-related professional association or labor organization service or activities related to professional development*
[105 ICS 5/21-14(e)(3)(I)(v)]

1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not be eligible.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

Other:

1) An LPDC may award continuing professional development units for activities not enumerated in subsections (a) through (x) of this Section based upon written evidence presented by the certificate-holder that:

- A) describes the activity and its purpose, intensity, duration, and outcomes;
 - B) discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;
 - C) identifies which of the activities enumerated in subsections (a) through (x) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (x) of this Section); and
 - D) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (v)(1)(C) of this Section.
- 2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDMC as provided in Section 25.825(e) of this Part.

(Source: Added at 24 Ill. Reg. **12930** - effective AUG 11 2000)

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Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching

a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which a certificate is maintained as valid and exempt.

1) Each certificate-holder shall notify the regional superintendent of schools each time there is a change in his or her teaching assignment, employer, or employment status. The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester.

A) A certificate-holder may notify the regional superintendent either when a change occurs or whenever it becomes apparent that a particular semester will qualify or has qualified as a period of exemption.

B) The regional superintendent shall verify the certificate-holder's employment status and shall return to the certificate-holder a signed copy of the form indicating whether a period of exemption has been recorded.

2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development (for holders of standard certificates) or a five-percent reduction in the requirement (for holders of master certificates).

3) When applying for renewal of his or her certificate(s), each certificate-holder shall identify for the LPDC the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development. The certificate-holder shall present a copy of the form referred to in subsection (a)(1) of this Section to document any period of exemption claimed.

4) If proportionate reduction in the requirements for continuing professional development results in a conflict between the total number of units of credit earned and the distribution of those units, a certificate-holder shall be required to conform as closely as possible to the required distribution of units but shall not be obligated to accumulate units of credit in excess of the applicable reduced total.

A) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 60 CPDUs attributable to the purpose identified

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in Section 25.805(b)(3) of this Part. ("Purpose 3"). The individual then maintains the Certificate as valid and exempt for the remaining three years. By proportionate reduction, the total number of CPDUs required of this individual is 48. Because the individual has earned 60 CPDUs, he or she shall be considered to have met the requirement for continuing professional development, even though no units of credit have been attributed to the purposes identified in Section 25.805(b)(1) and (2) of this Part ("Purposes 1 and 2").

B) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 40 CPDUs attributable to Purpose 3. The individual maintains the certificate as valid and exempt for the third and fourth years and then returns the certificate to valid and active status for the fifth year because he or she resumes teaching. By proportionate reduction, the total number of units required of this individual is 72. Half of those units (36) are required to pertain to Purpose 1 or 2, but the individual only lacks 32 units for a total of 72. The certificate-holder shall be required to use these 32 units to address Purposes 1 and 2 and shall amend his or her plan to include activities that comply with this requirement.

5) An individual whose certificate is valid and exempt may nevertheless keep an approved plan on file covering continuing professional development activities he or she wishes to complete during the period of exemption. Completion of such activities shall be appropriately credited by the responsible LPDC, without affecting the proportionate reduction in the total number of units required.

b) The requirement for continuing professional development shall be reduced by 20 percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.

c) The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school year. (Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)])

(Source: Added at 24 Ill. Reg. 12930, effective 8/1/00)

Section 25.805 Funding; Expenses

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a) School districts, charter schools, cooperatives, and joint agreements may use the funds provided to them by the State Board of Education under Section 21-14(k) of the School Code [105 ILCS 5/21-14(k)] for such of the following expenditures as may be accommodated within the maximum amount available:

- 1) supplies;
- 2) duplicating and postage;
- 3) equipment and maintenance thereof;
- 4) telecommunications; and
- 5) other administrative costs reasonably associated with conducting the meetings of LPDCs.

b) Regional superintendents of education shall use the funds provided to them under Section 21-14(k) of the School Code to pay school districts, charter schools, cooperatives, and joint agreements for: 1) travel costs incurred in staff attendance at the meetings of RPDRCs and the training seminar that is required pursuant to Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)], including lodging, mileage, per diem (or meal reimbursement, as applicable), and incidentals; and 2) other costs reasonably associated with staff attendance at the meetings of RPDRCs and the required training seminar.

(Source: Added at 24 Ill. Reg. 12930, effective 8/1/00)

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Section 25. APPENDIX B Certificates Available Effective February 15, 2000 July 1, 1999

Early Childhood

Provisional Alternative Early Childhood Certificate
 (For Cities of 500,000 or More)
Standard Alternative Early Childhood Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Early Childhood Certificate
 (Statewide)
 Provisional Early Childhood Certificate
 Initial Early Childhood Certificate
Initial Alternative Early Childhood Certificate
 Standard Early Childhood Certificate
 Master Early Childhood Certificate

Elementary

Provisional Alternative Elementary Certificate
 (For Cities of 500,000 or More)
Standard Alternative Elementary Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Elementary Certificate
 (Statewide)
 Provisional Elementary Certificate
 Initial Elementary Certificate
Initial Alternative Elementary Certificate
 Standard Elementary Certificate
 Master Elementary Certificate

Secondary

Provisional Alternative Secondary Certificate
 (For Cities of 500,000 or More)
Standard Alternative Secondary Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Secondary Certificate
 (Statewide)
 Initial Math-Science Certificate 9-12
 Provisional Secondary Certificate
 Initial Secondary Certificate
Initial Alternative Secondary Certificate
 Standard Secondary Certificate
 Master Secondary Certificate

Special

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Provisional Alternative Special Certificate
 (For Cities of 500,000 or More)
Standard Alternative Special Certificate
 (For Cities of 500,000 or More)
Provisional Alternative Special Certificate
 (Statewide)
 Provisional Special Certificate
 Initial Special K-12 Certificate
Initial Alternative Special K-12 Certificate
Standard Special K-12 Certificate
 Master Special K-12 Certificate
 School Service Personnel
 Provisional School Service Personnel Certificate
 School Service Personnel Certificate
 Administrative
 Provisional Alternative Administrative Certificate
 Administrative Certificate
 (Excluding Acting as Principal/Assistant Principal)
 Provisional Administrative Certificate
 Administrative Certificate

Other

Substitute Certificate
 General Certificate
 Part-Time Provisional Certificate
 Temporary Provisional Vocational Certificate
 Provisional Vocational Certificate
 Transitional Bilingual Certificate
 Resident Teacher Certificate

(Source: Amended at 24 Ill. Reg. 12930, effective AUG 15 2000)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Number: 1.80
Adopted Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.25

5) Effective Date of amendments: August 14, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? The amendment does not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 7, 2000; 24 Ill. Reg. 5812

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this amendment replace an emergency amendment currently in effect? Yes: an identical emergency amendment was published at 24 Ill. Reg. 6118 (April 7, 2000).

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This amendment will hold in abeyance the placement of districts on the Academic Early Warning List based on the 2000 administration cycle of the State assessment. Results from the initial administration of the new tests revealed that districts would need additional time to adjust their curricula in response to the Illinois Learning Standards, on which the ISAT examinations are based.

16) Information and questions regarding this adopted Amendment shall be directed to:

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Lynne Haefele
Deputy Superintendent for Standards, Assessment, and Accountability
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(217) 782-2223

The full text of the adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 Quality Assurance Reviews
1.40 Student Performance and School Improvement Requirements (Repealed)
1.50 State Assessment
1.60 Operational Compliance (Repealed)
1.70 Effective Dates of Accreditation (Repealed)
1.80 Academic Early Warning and Watch Lists
1.85 Revisions to School Improvement Plans
1.90 System of Rewards and Recognition
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties
1.220 Duties of Superintendent
1.230 Board of Education and the School Code
1.240 Equal Opportunities for all Students
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 170 and 180
1.260 Commemorative Holidays to be Observed by Public Schools
1.270 Book and Material Selection
1.280 Discipline
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Responsibilities
1.320 Duties
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program

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1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.520 School Food Services
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
1.610 Public School Districts
1.620 Accreditation of Staff
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Minimum Requirements for Teachers
1.710 Minimum Requirements for Elementary Teachers
1.720 Minimum Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
1.735 Requirements to Take Effect on July 1, 1991
1.736 Requirements to Take Effect on July 1, 1994
1.740 Standards for Reading
1.750 Standards for Media Services
1.760 Standards for Pupil Personnel Services
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

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- APPENDIX A Professional Staff Certification
 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary of GE Terms
 APPENDIX D State Goals for Learning
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
 APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
 APPENDIX G Criteria for Determination - State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; amended correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective April 1, 2000.

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section 1-80 Academic Early Warning and Watch Lists

This Section identifies the two groups of schools that are subject to placement on the Academic Early Warning List (see subsections (a) and (b) of this Section) and describes the circumstances under which they will be removed from that list, kept on that list, or placed on the Academic Watch List.

- a) Schools in which the State assessment is administered that are determined as set forth in this Subpart not to have met State standards for two consecutive years shall be placed on an Academic Early Warning List and may subsequently be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code.

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- 1) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall be removed from the list when the school is determined to meet State standards.
 2) A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall remain on the list but avoid placement on the Academic Watch List as long as it does not meet State standards but makes adequate progress. "Adequate progress" means a rate of increase in the proportion of scores meeting State standards that would be sufficient in order for the school to meet State standards after five year.
 3) A school which has been on the Academic Early Warning List for two consecutive years ("years 1 and 2") and whose cumulative progress for that time does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code [105 ILCS 5/2-3.25d through 2-3.25f], as applicable. Similarly, a school which has been on the Academic Early Warning List for four consecutive years and whose cumulative progress for years 3 and 4 does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code, as applicable. That is, a school shall be required to eliminate at least 40% of its "performance gap" (the degree to which its scores fail to meet State standards) in years 1 and 2 and at least 40% in years 3 and 4.
 b) Schools that do meet State standards, other than schools which are exempt from external quality review pursuant to Section 2-3.25k of the School Code, shall also be subject to placement on the Academic Early Warning List, if the proportion of their scores that do not meet State standards has increased by at least 20 percentage points during the immediately preceding three-year period, as evidenced by four consecutive years' State assessment scores.

- 1) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be removed from the list when the proportion of its State assessment scores that do not meet State standards is reduced to a level at or below the average for the four test cycles preceding its placement on the list. (For example, a school in which, over four test cycles, 3%, 4%, 15%, and 26% of scores did not meet standards would be removed from the Academic Early Warning List after the first subsequent administration of the State assessment in which 12% or fewer of its scores did not meet State standards.)

- 2) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall remain on the list until its State assessment scores reach the level identified pursuant to the calculation set forth in subsection (b)(1) of this Section.

- 3) A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be placed on the Academic

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Watch List if its State assessment scores decline so that the school fails to meet State standards for two consecutive years.

- c) A school which has been placed on the Academic Watch List shall be subject to the provisions of Sections 2-3.25d through 2-3.25f of the School Code.

- d) No schools shall be placed on the Academic Early Warning List based on the results of the 2000 administration of the State assessment.

(Source: Amended at 24 Ill. Reg. 12985, effective AUG 14 2000)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Brownfields Redevelopment Loan Program

- 2) Code Citation: 35 Ill. Adm. Code 886

- 3) Section Numbers: Adopted Action:

886.100	New
886.105	New
886.110	New
886.115	New
886.200	New
886.201	New
886.205	New
886.210	New
886.215	New
886.220	New
886.225	New
886.230	New
886.235	New
886.240	New
886.245	New
886.250	New
886.255	New
886.260	New
886.300	New
886.305	New
886.310	New
886.315	New
886.320	New
886.325	New
886.330	New
886.335	New
886.340	New
886.400	New
886.405	New
886.410	New
886.500	New
886.505	New
886.510	New
886.600	New
886.605	New
886.610	New

- 4) Statutory Authority: Section 58.15 of the Illinois Environmental Protection Act, [415 ILCS 5/58.15]

- 5) Effective Date of Rule: August 8, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

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NOTICE OF ADOPTED RULES

- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 12, 2000, 24 Ill. Reg. 7067

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rule: This Part sets forth procedures and criteria to govern a loan program providing financial assistance to Illinois municipalities and eligible private parties for activities related to redevelopment of brownfields sites. Brownfields sites are parcels of real property that have actual or perceived contamination and an active potential for redevelopment.

16) Information and questions regarding this adopted rule shall be directed to:

Robert J. Scherschligt
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

The full text of the adopted rule begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY
PART 886
BROWNFIELDS REDEVELOPMENT LOAN PROGRAM
SUBPART A: GENERAL PROVISIONS

Section
886.100 Purpose
886.105 Administration
886.110 Definitions
886.115 Severability

SUBPART B: BROWNFIELDS REDEVELOPMENT LOANS

Section
886.200 Scope and Availability of Loans
886.201 Eligible Applicants
886.205 Loan Issuance Criteria
886.210 Pre-Applications for Brownfields Redevelopment Loans
886.215 Applications for Brownfields Redevelopment Loans
886.220 Agency Action on Application
886.225 Loan Award Acceptance
886.230 Loan Agreement
886.235 Amendments to Loan Agreement
886.240 Cost Criteria
886.245 Loan Disbursements
886.250 Loan Recipient Responsibilities
886.255 Requirements Applicable to Contracting and Subcontracting
886.260 Agency Cost Recovery

SUBPART C: NONCOMPLIANCE WITH LOAN CONDITIONS AND PROCEDURES

Section
886.300 Agency Action for Noncompliance with Loan Agreements and Procedures
886.305 Loan Termination by the Agency
886.310 Project Termination by the Loan Recipient
886.315 Stop-Work Orders
886.320 Covenant Against Contingent Fees
886.325 Recovery of Loan Funds
886.330 Indemnification
886.335 Statutory Requirements
886.340 Waiver of Procedures

SUBPART D: ACCESS, AUDIT AND RECORDS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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Section
886.400 Access
886.405 Audit and Records
886.410 Single Audit Act

SUBPART E: INTEREST RATES, LOAN LIMITATIONS, CREDIT WORTHINESS AND FINANCIAL CAPABILITY

Section
886.500 Fixed Loan Rate
886.505 Limitations on Loan Amounts
886.510 Credit Worthiness and Financial Capability

SUBPART F: DEDICATED SOURCE OF REVENUE, REPAYMENT AND DELINQUENCY

Section
886.600 Dedicated Source of Revenue, Security and Collateral
886.605 Loan Repayment to the Agency
886.610 Delinquent Loan Repayments

AUTHORITY: Implementing and authorized by Section 58.15 of the Environmental Protection Act [415 ILCS 5/58.15].

SOURCE: Adopted at 24 Ill. Reg. 12992, effective AUG - 8 2000.

SUBPART A: GENERAL PROVISIONS

Section 886.100 Purpose

The purpose of this Part is to provide financial assistance in the form of loans for the funding of site investigation, site remediation, or both, at brownfields sites.

Section 886.105 Administration

The Brownfields Redevelopment Loan Program shall be administered by the Illinois Environmental Protection Agency as an instrumentality of the State of Illinois in accordance with State and federal laws.

Section 886.110 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Illinois Environmental Protection Act. Additionally, for purposes of this Part, the following definitions apply:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a unit of local government or private party that applies for a brownfields redevelopment loan.

"Brownfields redevelopment loan" means a loan issued pursuant to Section 58.15 of the Act and Subpart B of this Part.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment. (Section 58.2 of the Act)

"Dedicated source of revenue" means the type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and deposited into an account restricted to the purpose of loan repayment to the Brownfields Redevelopment Fund, which is sufficient to repay the principal and interest on the loan.

"Fixed loan rate" means one-half the market interest rate but not less than 2.50%.

"Interest rate" means not less than one-fourth of the market interest rate rounded to the nearest .01%.

"Loan agreement" means the written loan agreement documents and amendments thereto signed by both the Agency and a loan recipient in which the terms and conditions governing the loan are stated and agreed to by both parties.

"Loan recipient" means a unit of local government or private party that has been awarded a loan for brownfields redevelopment under Section 58.15 of the Act.

"Loan support rate" means not more than one-fourth of the market interest rate rounded to the nearest .01%.

"Market interest rate" means the mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 to June 30 of the preceding State fiscal year rounded to the nearest .01%.

"Unit of local government" means an incorporated city, village, or town in this State. Unit of local government does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district. (Section 58.2 of the Act)

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Units of local government and private parties shall be eligible to apply for loan assistance to perform investigative or remedial activities at a site where there is a released, threatened release, or suspected release of hazardous substances, pesticides, or petroleum, provided the project site is eligible for entry into the Site Remediation Program pursuant to 35 Ill. Adm. Code 740.

Section 886.205 Loan Issuance Criteria

- a) Criteria for awarding loans shall include, but shall not be limited to, the following:
- 1) Credit worthiness and ability to repay the loan;
 - 2) Potential for economic redevelopment;
 - 3) Long-term benefits and sustainability;
 - 4) Strength of community and local support;
 - 5) Interest of potential future users of the brownfields site;
 - 6) Protection of human health and the environment; and
 - 7) A written commitment by the loan recipient or other entity to enter the brownfields site into the Site Remediation Program.
- b) In awarding loans, the Agency may give weight to geographic location to enhance geographic distributions of loans across the State.

Section 886.210 Pre-Applications for Brownfields Redevelopment Loans

Every loan applicant shall submit to the Agency a pre-application that, at a minimum, includes the following items:

- a) the reason for the proposed project;
- b) a description of the proposed project;
- c) an estimated cost of the proposed project;
- d) a proposed schedule for completion of the proposed project;
- e) a summary of prior environmental assessments;
- f) an explanation of the applicant's relationship to the brownfields site; and
- g) a strategy for loan repayment.

Section 886.215 Applications for Brownfields Redevelopment Loans

- a) To be considered for a brownfields redevelopment loan, an applicant shall file with the Agency a complete application, in accordance with the requirements of this Section.
- b) Applicants for brownfields redevelopment loans shall use loan application forms furnished by the Agency, or a similar format. Loan applications, including budget forms, may be obtained from and must be submitted to: Illinois Environmental Protection Agency, Bureau of Land, Office of Brownfields Assistance, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276.
- c) A complete brownfields redevelopment loan application shall include the following:
 - 1) Background information, including:

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"Principal" means all disbursements, including interest and loan support accrued on the disbursements, that will be financed at the time the repayment schedule period begins.

"Project" means the activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

"State" means the State of Illinois.

Section 886.115 Severability

If any section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

SUBPART B: BROWNFIELDS REDEVELOPMENT LOANS

Section 886.200 Scope and Availability of Loans

- a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. (Section 58.15(a) of the Act)
- b) Loans shall be at or below market interest rates in accordance with a formula set forth in this Part. (Section 58.15(b)(1) of the Act)
- c) Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in this Part. (Section 58.15(b)(2) of the Act)
- d) In addition to any other requirements or conditions placed on loans by this Part, loan agreements shall include the following requirements:
 - 1) The loan recipient shall secure the loan repayment obligation. (Section 58.15(b)(4)(b) of the Act)
 - 2) Completion of the loan repayment shall not exceed 5 years. (Section 58.15(b)(4)(b) of the Act)
 - 3) Loan agreements shall provide for a confession of judgment by the loan recipient upon default. (Section 58.15(b)(4)(c) of the Act)
 - 4) Loans shall not be used to cover expenses incurred prior to the approval of the loan application. (Section 58.15(b)(5) of the Act)
- e) Repayment of loans shall commence within 12 months after the initial disbursement of funds by the Agency.
- f) Loan recipients may use up to 10% of borrowed funds for administrative costs as defined in the loan agreement.

Section 886.201 Eligible Applicants

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- A) An identification of the site location and size, including the legal description and the Property Tax ID;
- B) An explanation of the relationship of the loan applicant to the site;
- C) A description of the investigative and remedial work performed at the site, if any, and a summary of all prior environmental assessments and conclusions, including attachments of copies of all environmental reports generated for any part of the site (i.e., Site Investigation Report, Remediation Objectives Report, Remedial Action Plan, Remedial Action Completion Report, or their equivalents);
- D) A description of the negative effects on the local community of the site and the positive effects on the local community of funding and implementing the proposed project;
- E) A description of the local government's involvement and planned additional involvement in the proposed project;
- F) A description of the anticipated long-term benefits of the project and the means by which the local government will sustain the benefits;
- G) A description of the future participation of the site in the Site Remediation Program and an identification of who the remedial applicant will be, including a letter committing the site's entry into the Site Remediation Program; and
- H) An indication as to how the success of the project will be measured.

2) The project plan, including:

- A) A description of all components and phases of the proposed project, including an indication of each activity's relationship to Site Remediation Program (35 Ill. Adm. Code 740) regulations and program requirements;
- B) A description of the planned or proposed tasks to be performed by parties involved;
- C) A schedule of the work plan by tasks, including specific activities and events;
- D) Letters of agreement or other documentation showing the applicant is authorized, by law or consent, to act on behalf of or in lieu of the owner or operator of the site;
- E) Letters of agreement or other documentation from the contractor or subcontractors involved in or responsible for components or phases of the proposed project; and
- F) Maps showing the location of the proposed project and the areas affected by the proposed project.

3) Information on project team members, including:

- A) The name of the applicant project manager and a description of his or her previous management experience and other pertinent experience and capabilities;
- B) The names of other applicant project team members and a description of their job titles, work assignments and

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- experience; and
- C) The name, telephone number, fax number and e-mail address, if any, of the applicant project team member designated to serve as liaison with the Agency.
- 4) Information on any environmental consultant to be employed by the applicant, including:
 - A) The name, telephone number, fax number and e-mail address, if any, of the environmental consulting firm;
 - B) A description of any previous project management experience and other pertinent experience and capabilities of the environmental consultant;
 - C) The names of key environmental consultant personnel and a description of their job titles, work assignments and experience;
 - D) A detailed explanation of the tasks the consultant is to perform in the proposed project; and
 - E) Evidence of relevant experience of all environmental consultant personnel involved in the project.
- 5) A completed budget package on forms provided by the Agency.
- 6) A demonstration of the loan applicant's credit worthiness, including:
 - A) The loan applicant's credit history;
 - B) Information as to whether the loan applicant has ever defaulted on any of its prior debt issues;
 - C) The loan applicant's source of revenue for repaying the loan;
 - D) Information as to whether there are restrictions on what additional debts can be issued by the loan applicant;
 - E) The loan applicant's plan for financing any project costs that are not eligible for loan financing;
 - F) An explanation as to whether the amount and timing of the loan applicant's revenues match up with the loan repayment schedule; and
 - G) An indication as to whether the loan applicant will receive project funds from multiple sources, including whether funding from those sources will be available at the same time.
- 7) A written demonstration of the loan applicant's willingness to monitor the project's activities, progress, spending and budget.

Section 886.220 Agency Action on Application

- a) Issuance of brownfields redevelopment loans is subject to availability of funding.
- b) The Agency shall take action on all pending complete brownfields redevelopment loan applications, at a minimum, at the close of each two loan application periods per year, the first ending January 1 and the second ending July 1, except as provided in subsection (c) of this

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Section.

- c) The Agency may award and fund any loan prior to the end of a loan application period provided that the loan applicant demonstrates that:
 - 1) Remediation of the project site is necessary to assure protection of human health and environment; and
 - 2) Failure to issue the loan prior to the end of the loan application period would substantially impair implementation of the project.
- d) If an applicant submits an incomplete application, the Agency shall so notify the applicant in writing, identifying the information that is lacking, and shall impose a deadline by which the deficiencies shall be corrected or additional information is to be provided to the Agency by the applicant. Failure on the part of the loan applicant to correct the deficiencies or provide the additional information by the deadline imposed by the Agency shall be sufficient basis for the Agency to treat the application as withdrawn by the applicant.
- e) The Agency shall, no more than 90 days after the close of each loan application period, or in accordance with subsection (c) of this Section, in writing, notify each applicant with a pending application:
 - 1) If funding is available for brownfields redevelopment loans, of that applicant's selection or rejection for a loan; or
 - 2) If funding is not available, of the unavailability of loan assistance.
- f) Loan applicants shall not obtain loan assistance by default due to failure by the Agency to act within the time frame set forth in subsection (e) of this Section.

Section 886.225 Loan Award Acceptance

No more than 30 days after receipt of loan award selection notification by the Agency, the loan recipient shall notify the Agency in writing of its acceptance. If the loan recipient fails to so notify the Agency, the loan award shall be null and void.

Section 886.230 Loan Agreement

- a) Upon receipt of written acceptance of a loan award, the Agency shall send to the loan recipient formal loan agreement documents, including:
 - 1) A loan agreement to be signed by the Agency and the loan recipient;
 - 2) A copy of the loan recipient's complete application, including budget forms; and
 - 3) A form on which the loan recipient is to state the loan recipient's federal taxpayer identification number or social security number.
- b) The Agency shall not sign a loan agreement until the loan recipient has corrected any errors identified by the Agency in the loan application and has signed the loan agreement.

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- c) The loan takes effect on the date that the Agency signs the loan agreement and interest begins to accrue on the date of the first loan disbursement.
- d) Once signed by both the Agency and the loan recipient, the loan agreement, comprising the written loan agreement documents, and any amendments thereto, shall govern the loan.
- e) The Agency shall keep the original loan agreement documents and provide a copy to the loan recipient.
- f) The loan agreement may be amended in accordance with Section 886.235 (Amendments to Loan Agreement) of this Part.

Section 886.235 Amendments to Loan Agreement

- a) To implement a project change, the loan recipient first must obtain a formal amendment to the loan agreement. The loan recipient may request an amendment to the loan agreement by submitting an amended loan application to the Agency at any point during the loan term.
- b) The loan agreement may be amended only by the mutual consent of the parties set forth in writing as a formal loan agreement amendment, signed and dated by the Agency and the loan recipient.
- c) The loan recipient may request amendments for project changes, including, but not limited to:
 - 1) Increasing the amount of State funds needed to complete the project;
 - 2) Altering the scope of the loan, as agreed to at the time of the loan award (e.g., by changing methodologies or personnel to be used); or
 - 3) Extending any contractual or completion date for the project.
- d) No more than 90 days after receipt of an amended loan application, the Agency shall notify the loan recipient in writing of its approval or rejection of the requested amendment to the loan agreement.
- e) The Agency shall not approve any amendment to the loan agreement in violation of the limitations on loans set forth in this Part.
- f) The Agency shall approve an amendment to the loan agreement to the extent that the Agency may approve the amendment consistent with the requirements of this Part, if the loan recipient makes a showing that:
 - 1) The original project cost approval was based on estimated costs or contractor bids, where the actual costs or contractor bids are over or under the estimated costs;
 - 2) Amendments to State statutes have affected or will affect the project cost;
 - 3) A project element was inadvertently omitted; or
 - 4) An approved project element has been found unnecessary.
- g) If the Agency approves a requested amendment to a loan agreement, the Agency shall prepare and send an amended loan agreement and a formal amendment signature page to the loan recipient. The loan recipient shall sign and date the formal amendment signature page and then return it to the Agency. The Agency shall sign and date the formal

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amendment signature page and then send a copy of the formal amendment signature page and a copy of the amended loan agreement, along with a letter notifying the loan recipient of the Agency's approval of the requested amendment, to the loan recipient.

Section 886.240 Cost Criteria

a) The Agency shall approve for payment to the loan recipient, under the terms set forth in Section 886.245 of this Part, only costs that have been incurred by the loan recipient and that meet the following criteria:

- 1) Costs within the scope of the project for which the loan was awarded;
- 2) Costs that are reasonable and necessary include, but are not limited to, costs associated with:
 - A) Agency oversight that result from the loan recipient's participation in the Site Remediation Program of Title XVII of the Act;
 - B) Environmental consultant oversight services;
 - C) Remedial investigation and design;
 - D) The development and implementation of activities necessary to establish remediation objectives;
 - E) Laboratory services necessary to determine site characterization and to establish cleanup objectives;
 - F) The installation and operation of groundwater investigation and groundwater monitoring wells;
 - G) The development and implementation of a soil sampling plan;
 - H) The development of a groundwater corrective action system;
 - I) The development of a soil corrective action plan;
 - J) Seeking payment from the Brownfields Redevelopment Loan Program in accordance with Section 886.200(f) of this Part;
 - K) The purchase of non-expendable materials, supplies, equipment or tools used for the brownfields project;
 - L) Removing, mitigating or preventing the release, threatened release or suspected release of hazardous substances, pesticides or petroleum;
 - M) The demolition and removal of buildings and other structures located upon the site if such activity is necessary to the performance of the remediation; and
 - N) Monitoring activities, including sampling and analysis, that are reasonable and necessary during the site remediation process;
- 3) Costs equal to, but not exceeding, the total amount of the loan award;
- 4) Costs incurred on or after the date the loan agreement is executed;
- 5) Costs incurred without a knowing violation of any State or federal law; and

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6) Costs incurred pursuant to a contract or subcontract in conformance with Section 886.255 (Requirements Applicable to Contracting and Subcontracting) of this Part.

b) Costs the Agency shall not approve for payment because they are not necessary for the completion of the work required pursuant to the Agency-approved application and loan agreement include, but are not limited to:

- 1) Costs or losses resulting from business interruption in connection with the project;
- 2) Costs associated with improperly collected, transported or analyzed laboratory samples;
- 3) Costs associated with improperly installed sampling or monitoring wells;
- 4) Interest or finance costs charged as direct costs;
- 5) Insurance costs charged as direct costs;
- 6) Costs associated with land acquisition;
- 7) Cost of fines and penalties for violations of local, State and federal law;
- 8) Costs outside the scope of the Agency-approved project;
- 9) Costs associated with the ordinary operating expenses of local government;
- 10) Costs associated with ordinary site maintenance;
- 11) Costs associated with personal injury compensation or damages arising out of the project;
- 12) Costs incurred prior to the execution of the loan agreement; and
- 13) Costs associated with the replacement of buildings and other structures located upon the site.

Section 886.245 Loan Disbursements

a) The Agency shall disburse loan proceeds to loan recipients for eligible costs incurred by the loan recipient, provided those costs are within the scope of the budget submitted pursuant to Section 886.215 of this Part.

b) To receive a loan disbursement from the Brownfields Redevelopment Loan Program, the loan recipient shall submit a written request for a disbursement to the Agency, with documentation of the activities performed and a breakdown of the costs sufficient to demonstrate that the costs for which a disbursement is sought are reasonable and have been incurred by the loan recipient. Documentation provided shall include, but not be limited to, the following:

- 1) An identification of the time period for which the activities/services were performed and the costs were incurred;
- 2) A brief description of the work performed;
- 3) A breakdown of the activities/services performed cross-referencing tasks proposed in the work plan schedule;
- 4) The names and titles of individuals performing activities/services and the dates and hours worked;

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- 5) Copies of invoices; and
- 6) A list of expenses and/or costs incurred in connection with the activities/services performed.
- c) The loan recipient may submit an initial request for a loan disbursement at any time after the costs for which payment is sought have been incurred. Subsequent requests for loan disbursements must be spaced at least 90 days apart.
- d) The Agency shall use the criteria set forth in Section 886.240 (Cost Criteria) of this part in determining whether to approve a loan disbursement to the loan recipient for costs included in each request for a loan disbursement.
- e) The Agency shall send a voucher for payment of an approved request for a loan disbursement to the Comptroller's office no more than 90 days after receipt of the request.
- f) Following a review of the applicant's request for a loan disbursement, the Agency shall have the authority to deny a request for a loan disbursement that does not meet all of the requirements of this Part. The Agency shall notify a loan applicant in writing of its denial of a request for a loan disbursement within 45 days after its receipt of a request, and the written notification shall include a statement of specific reasons why the request is being denied in whole or in part.

Section 886.250 Loan Recipient Responsibilities

- a) The loan recipient shall submit quarterly progress reports to the Agency during the term of the loan. Each progress report should be a short narrative of the activities performed and the dates that they were performed during that quarter and shall include, but not be limited to, the following information:
 - 1) The report period;
 - 2) A summary of the activities/services performed and identified by project task;
 - 3) The dates that the activities/services were performed;
 - 4) The names of firms and individuals performing the activities/services;
 - 5) A disclosure of any personnel changes;
 - 6) A disclosure of significant issues that arose during the quarter that may necessitate a modification or amendment to the original work plan submitted;
 - 7) A disclosure of major threshold accomplishments; and
 - 8) Projected completion dates for the remaining activities/services to be performed.
- b) The loan recipient shall submit a detailed final report to the Agency at the end of the loan term. In the final report, the loan recipient shall describe how the tasks described in the project plan submitted by the loan recipient have been fulfilled.
- c) If the loan recipient fails to timely submit quarterly progress reports or a final report, the Agency may impose any of the sanctions

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set forth in Subpart C (Noncompliance with Loan Conditions and Procedures) of this Part.

Section 886.255 Requirements Applicable to Contracting and Subcontracting

- a) The following conditions and limitations shall apply to all contracts and subcontracts entered into by the loan recipient:
 - 1) The loan recipient must use a freely and openly competitive bidding process in contracting and must require the same of any contractor in subcontracting;
 - 2) Only fair and reasonable profits may be earned by contractors and subcontractors in contracts and subcontracts under Agency loans. Factors to be considered in determining a fair and reasonable profit shall include project-related: material acquisition costs; labor costs; management costs; contract risks; capital investments; degree of independent development; and cost control and record keeping efforts. The determination of a fair and reasonable profit shall not be based upon the application of a predetermined percentage factor;
 - 3) The loan recipient, rather than the Agency, is responsible for the administration and successful accomplishment of the project for which the Agency loan is awarded. The loan recipient, rather than the Agency, is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of contracts and subcontracts entered into under the loan. This responsibility includes, but is not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protest of awards, claims, disputes and other procurement matters;
 - 4) Any contract or subcontract must include a provision allowing project-related access, in accordance with Section 886.400 (Access) of this Part;
 - 5) Any contract or subcontract must provide that the Agency or any authorized representative shall have access to any books, documents, papers, and records, including computer-generated documents, of the contractor or subcontractor that are pertinent to the project, for the purpose of making an audit, examination, excerpts, and transcriptions thereof;
 - 6) Neither the Agency nor the State shall be a party to any contract or subcontract, solicitation, or request for proposals;
 - 7) Any contract or subcontract shall be in compliance with all local, State and federal law.
 - b) No contract or subcontract shall be awarded to any person or organization that does not:
 - 1) Have adequate financial resources, experience, organization, technical qualification, and facilities for performance of the subagreement, or a firm written commitment or arrangement to obtain such;

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- 2) Have staffing sufficient to comply with the completion schedule for the project;
- 3) Have a demonstrated record of integrity, good judgment, and performance, including any prior performance under grants, loans or contracts with the federal or any state government;
- 4) Have an established financial management system and audit procedure;
- 5) Maintain a written property management system that provides procedures for the acquisition, maintenance, safeguarding and disposition of all project-related property; and
- 6) Conform to the civil rights law, equal employment opportunity law, and labor law requirements, as well as all other statutes of the State.

Section 886.260 Agency Cost Recovery

- a) If the Agency undertakes a response action at the site of an approved project, the Agency will not seek recovery of its costs under Section 22.2 or Title XVII of the Act from a loan recipient as an owner or operator if the loan recipient's status as an owner or operator is based solely on the loan recipient's:
 - 1) Execution of a loan agreement; or
 - 2) Implementation of an approved project.
- b) The exclusion provided under subsection (a) of this Section shall not apply to any loan recipient who has caused or contributed to the release or threatened release of a hazardous substance or pesticide from the facility, and such loan recipient shall be subject to the provisions of the Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Sections 22.2(f) and 58.9 of the Act. (Section 22.2(h)(2)(H) of the Act)

SUBPART C: NONCOMPLIANCE WITH LOAN CONDITIONS AND PROCEDURES

Section 886.300 Agency Action for Noncompliance with Loan Agreements and Procedures

- a) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this Part, the Agency is authorized to pursue the collection of the amounts past due the outstanding loan balance, and the costs thereby incurred either pursuant to the Illinois State Collection Act of 1986 or by taking any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral. (Section 58.15(b)(6) of the Act)
- b) In addition to such other remedies as may be provided by law, if the loan recipient fails to comply with any term or condition of the loan

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agreement or this Part, the Agency may:

- 1) Revoke the loan and recover all loan funds disbursed;
 - 2) Terminate the loan in accordance with Section 886.305 of this Part;
 - 3) Issue a stop-work order or suspend all project work in accordance with Section 886.315 of this Part; or
 - 4) Take such other action as the Agency is authorized by law.
- c) No action shall be taken under this Section without prior oral or written consultation with the loan recipient.
- d) In determining whether to take action and which action to take under this Section, the Agency shall consider factors, including, but not limited to:
- 1) The severity of the violations;
 - 2) The number of violations by the loan recipient;
 - 3) Whether the violation is a continuing one;
 - 4) Whether the loan recipient can remedy the violation; and
 - 5) Whether the loan recipient and any contractor or subcontractor remain capable of complying with the approved work project.

Section 886.305 Loan Termination by the Agency

- a) The Agency, by written notice, may terminate the loan, in whole or in part, for cause. Cause for termination shall include, but shall not be limited to, failure by the loan recipient to comply with the terms and conditions of the loan agreement or this Part.
- b) No action shall be taken under this Section without a prior reasonable and good faith attempt to consult, either orally or in writing, with the loan recipient.

Section 886.310 Project Termination by the Loan Recipient

- a) The loan recipient may request the termination of an incomplete project for which a loan has been awarded only for good cause.
- b) Within 90 days after receipt of the loan recipient's request to terminate a project, the Agency shall make a finding as to good cause. Good cause shall include, but shall not be limited to:
 - 1) A change in the Brownfields Redevelopment Loan Program requirements or priorities;
 - 2) Lack of adequate funding; or
 - 3) Advancements in technology.
- c) If the Agency finds that the loan recipient's request to terminate the project is for good cause, it shall terminate the loan, effective upon the date the request to terminate the project was received by the Agency. The loan recipient shall repay the loan funds previously disbursed in accordance with the loan agreement.
- d) If the Agency finds that the loan recipient's request to terminate the project is without good cause, the loan shall be revoked and the loan recipient shall take the following action:

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- 1) Within 30 days after the date the loan is revoked, the loan recipient shall return all loan funds previously disbursed by the Agency by sending a certified check to the Brownfields Redevelopment Fund; and
- 2) The loan recipient shall secure the site so that it poses no immediate threat to human health and safety.

Section 886.315 Stop-Work Orders

- a) The Agency may, for any violation of this Part, issue a written stop-work order requiring the loan recipient to stop all or any part of the project work, effective for a period of not more than 30 days from the date of the order, or for any further period to which the parties may agree in writing. The Agency shall include in any stop-work order a list of the project activities to which the order applies.
- b) Upon receipt of a stop-work order, the loan recipient must comply with its terms and stop the incurrence of costs allocable to the work covered by the order during the period of work stoppage.
- c) No more than 30 days after the date of the stop-work order, or within any extension of that period to which the parties agree in writing, the Agency shall:
 - 1) Upon resolution of the violation leading to the stop-work order, cancel the stop-work order; or
 - 2) Terminate the portion of the loan covered by the stop-work order, as provided in Section 886.305 (Loan Termination by the Agency) of this Part.
- d) If a stop-work order issued under this Section is canceled, or the effective period of the order or any written extension thereof expires, the loan recipient shall resume work.
- e) The loan recipient may not obtain payment for costs associated with a stop-work order unless the Agency authorizes payment in writing.

Section 886.320 Covenant Against Contingent Fees

- a) The loan recipient must warrant, as part of the loan agreement, that no person has been employed or retained to solicit or secure a loan under this Part based upon an agreement or understanding for a commission, percentage, brokerage or contingent fee.
- b) For breach or violation of this warranty, the Agency shall have the right to terminate the loan in accordance with Section 886.305 (Loan Termination by the Agency) of this Part, without liability, or to deduct from the loan award, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

Section 886.325 Recovery of Loan Funds

If the Agency determines that any loan funds are being misspent or improperly

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held by the loan recipient, the Agency or the Office of the Illinois Attorney General shall have the authority to recover those funds and take any action authorized by law, including, but not limited to, Section 58.15(b)(6) of the Act.

Section 886.330 Indemnification

The loan recipient, rather than the Agency, shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the loan recipient, the Agency, or third persons, and any injury to or death of any persons (including employees of the loan recipient) caused by or arising out of, or occurring in connection with, the execution of any work, contract or subcontract arising out of the loan. The loan recipient shall indemnify, save harmless and defend the State and the Agency from all claims for any such loss, damage, injury or death. However, a loan recipient's execution of a loan agreement, or implementation of an approved project, does not, in itself, render the loan recipient an owner or operator for purposes of 415 ILCS 5/22.2(h)(2), or under regulations promulgated pursuant to 415 ILCS 55/8 (35 Ill. Adm. Code Part 620). The loan recipient shall require any contractor or subcontractor engaged by the loan recipient to agree in writing to look solely to the loan recipient for performance of its contract or subcontract with the loan recipient and for satisfaction of any and all claims arising under the contract or subcontract.

Section 886.335 Statutory Requirements

The loan recipient is solely responsible for assuring compliance with all statutory requirements, including, but not limited to, the Local Government Professional Services Selection Act [50 ILCS 510] and the Construction Contract Indemnification for Negligence Act [740 ILCS 35].

Section 886.340 Waiver of Procedures

- a) Except as provided in subsection (b) below or otherwise required by law, the Director of the Agency may waive any of the loan procedures or requirements, either in whole or in part, by a written statement to the loan applicant, either as a special condition of the loan or otherwise, provided the Director of the Agency finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the loan recipient.
- b) The following procedures and requirements shall not be waived:
 - 1) Section 886.200 (Scope and Availability of Loans);
 - 2) Section 886.205 (Loan Issuance Criteria);
 - 3) Section 886.250 (Loan Recipient Responsibilities);
 - 4) Section 886.300 (Agency Action for Noncompliance with Loan Agreements and Procedures)

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- 5) Section 886.405 (Audit and Records);
- 6) Section 886.500 (Fixed Loan Rate);
- 7) Section 886.505 (Limitations on Loan Amounts);
- 8) Section 886.510 (Credit Worthiness and Financial Capability); and
- 9) Section 886.600 (Dedicated Source of Revenue, Security and Collateral).

SUBPART D: ACCESS, AUDIT AND RECORDS

Section 886.400 Access

- a) The Agency or any authorized representative shall have access to the premises where any portion of the project for which the loan was awarded is being performed, both during normal business hours and at any other time project-related work is being performed.
- b) The Agency or any authorized representative shall have access, during normal business hours, to the project records, as defined in Section 886.405 (Audit and Records) of this Part, to the full extent of the loan recipient's right to access the project records.
- c) If the Agency or any authorized representative is denied access in violation of this Section, the Agency shall provide notice in writing to the loan recipient that failure to provide access within 10 days will be cause for:
 - 1) Termination of the loan pursuant to Section 886.305 (Loan Termination by the Agency) of this Part;
 - 2) Refund to the State of any unexpended loan funds in the possession of the loan recipient; and
 - 3) Refund of any loan funds previously expended by the loan recipient, contractor or subcontractor found in noncompliance with this Section.

Section 886.405 Audit and Records

- a) The loan recipient shall maintain books, records, documents, reports and other evidentiary material, using accounting procedures and practices that conform to generally accepted accounting principles, as established by the Financial Accounting Standards Board, an independent organization, to account properly for:
 - 1) The receipt and disposition by the loan recipient of all financial assistance received for the project, including both State assistance and any local share; and
 - 2) The costs charged to the project for which the loan has been awarded, including all direct and indirect costs of whatever nature incurred in performance of the project.
- b) The loan recipient's facilities or such facilities as may be engaged in the performance of the project for which the loan has been awarded, and the loan recipient's records, shall be subject to inspection and audit by the Agency or any authorized representative at the times

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- c) specified in Section 886.400 (Access) of this Part.
 - 1) The loan recipient shall preserve records and make records available to the Agency or any authorized representative:
 - 2) For a period of 3 years from the date of final payment under the loan, or for a longer period if required by applicable statute or regulation;
 - 3) For records relating to loan work that has been terminated, for a period of 3 years from the date of termination; or
 - 4) For records relating to disputes and/or appeals, litigation or the settlement of claims arising out of the performance of the project for which the loan was awarded, or costs and expenses of the project to which exception has been taken by the Agency or any of its duly authorized representatives, until disposition of such appeals, litigation, claims or exceptions.

Section 886.410 Single Audit Act

The loan recipient shall comply with the provisions of the Single Audit Act of 1996 (31 USC 7501).

SUBPART E: INTEREST RATES, LOAN LIMITATIONS, CREDIT WORTHINESS AND FINANCIAL CAPABILITY

Section 886.500 Fixed Loan Rate

The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a brownfields redevelopment loan shall be a simple annual rate at one-half the market interest rate, but not less than 2.50%.

Section 886.505 Limitations on Loan Amounts

- a) The maximum loan amount for site investigation activities shall not exceed \$120,000 per site.
- b) The maximum loan amount for any single application submitted pursuant to Section 886.215 (Applications for Brownfields Redevelopment Loans) of this Part shall be limited to \$500,000.
- c) The maximum loan amount for any single project shall be \$1,000,000. (Section 58.15(b)(3) of the Act)

Section 886.510 Credit Worthiness and Financial Capability

- a) The loan applicant shall demonstrate to the Agency that it has the necessary legal, financial and managerial capability to:
 - 1) Refire the loan; and
 - 2) Meet any covenants and requirements in the loan agreement.
- b) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including,

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but not limited to, acquisition of grant funding, reduction of project costs, additional or different sources of dedicated revenues and changes to existing financial practices that may threaten generation of adequate revenues.

- c) The Agency may require a loan repayment period of less than the 5 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

SUBPART F: DEDICATED SOURCE OF REVENUE, REPAYMENT AND DELINQUENCY

Section 886.600 Dedicated Source of Revenue, Security and Collateral

- a) Units of local government shall be required to secure the loan repayment obligation by pledging and dedicating a source of revenue to make loan repayments. Prior to loan approval, the Agency shall review the proposed dedicated and pledged revenue source to assure that it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve for the revenue source shall be identical to those in the revenue bond ordinance.

- b) The necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make the first loan disbursement.

- c) Units of local government shall establish an account, maintained by a bank or trust, that is restricted to use for loan repayment, in which to deposit the dedicated revenues prior to the time of first loan disbursement.

- d) Units of local government shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The unit of local government shall timely notify, and submit to the Agency for approval, all proposed changes to the dedicated source of revenue.

- e) The unit of local government shall submit to the Agency, upon request, a statement on the status of the restricted account after initiation of the loan repayment period that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's approval will be based on, but not limited to, ensuring that the revised dedicated source of revenue is legally authorized, generates sufficient revenue and is otherwise in accordance with this Part.

- f) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall have the authority to require the unit of local government to re-examine the dedicated

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revenue source and restructure it as necessary.

g) Private parties shall be required to secure the loan repayment obligation by pledging and dedicating security or collateral sufficient in value to secure the full amount of the loan.

Section 886.605 Loan Repayment to the Agency

Loan repayment to the Agency shall be in accordance with the loan repayment provisions contained in the loan agreement.

- a) Loan repayment shall commence within 12 months after the initial disbursement of funds by the Agency.

- b) The Agency shall set a principal amount and give the loan recipient an interim repayment schedule.

- c) After a final cost review of the project, the Agency shall establish the final principal amount and give the loan recipient a final repayment schedule.

Section 886.610 Delinquent Loan Repayments

- a) If a repayment is not made according to the repayment schedule, the loan recipient shall notify the Agency in writing within 15 days after the repayment due date. The notification shall state the reasons the repayment was not timely tendered and the circumstances under which the late repayment will be satisfied, and shall contain binding commitments to assure future repayments. After receipt of this notification, the Agency shall accept the plan or take action in accordance with subsection (b) below.

- b) If a loan recipient fails to comply with subsection (a) above, the Agency shall promptly issue a notice of delinquency to the loan recipient and require a written response within 15 days. The notice of delinquency shall require the loan recipient to take specified actions as may be appropriate to remedy the delinquency and to assure future repayments.

- c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet any obligations pursuant to subsections (a) and (b) above, the Agency may impose against the loan recipient any of the sanctions set forth in Section 886.300 (Agency Action for Noncompliance with Loan Agreements and Procedures) of this Part, including, but not limited to, termination of the loan.

- d) The Agency shall have the authority to impose a late payment fee on individual loan repayments that are deemed delinquent by the Agency in accordance with the procedures set forth in this Section. The late payment fee shall be an amount equal to twice the fixed loan rate, as stated in the loan agreement, multiplied by the delinquent loan repayment amount. The late payment fee may be assessed commencing on the date that the Agency deems the individual loan repayment to be delinquent in accordance with this Section, and may be assessed for

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each 30-day period that the individual repayment remains delinquent.

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1) Heading of the Part: Fee Schedule for the Office of State Guardian

2) Code Citations: 59 Ill. Adm. Code 301

3) Section Numbers
301.10 Adopted Action
Amendment
301.20 Amendment
301.30 Amendment
301.40 Amendment
301.50 Amendment
301.60 Amendment

4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

5) Effective Date of amendments: August 21, 2000

6) Does this rulemaking contain an automatic repeal date? This rulemaking does not contain an automatic repeal date.

7) Do these amendments contain incorporations by reference? This rule does not contain incorporations by reference.

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: March 24, 2000; 24 Ill. Reg. 4359

10) Has JCAR issued a Statement of Objections to these amendments? JCAR has not issued a Statement of Objections to these rules.

11) Differences between proposal and final version: In line 252, strike "Public Aid" and add "TANF".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of these Amendments: The amendments would increase fee amounts incurred by the Office of State Guardian against the estates.

16) Information and questions regarding these adopted amendments shall be

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directed to:

John H. Wank
General Counsel
Illinois Guardianship and Advocacy Commission
State of Illinois Building
160 North LaSalle Street, Suite S-500
Chicago, Illinois 60601
312/793-5900

The full text of the adopted amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 301

FEE SCHEDULE FOR THE OFFICE OF STATE GUARDIAN

Section	Authority and Purpose
301.10	Definitions
301.20	Assessment of Fees
301.30	Notice
301.40	Collection of Fees
301.50	Fee Schedules
301.60	

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955] and Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1].

SOURCE: Adopted and codified at 6 Ill. Reg. 15019, effective November 24, 1982; amended at 7 Ill. Reg. 8528, effective July 6, 1983; amended at 14 Ill. Reg. 17964, effective November 15, 1990; amended at 24 Ill. Reg. 13016, effective AUG 21 2000.

Section 301.10 Authority and Purpose

a) Authority. The Office of State Guardian exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act ~~as amended~~ (GAC Act), [20 ILCS 3955] ~~1989, ch. 93-1/2, para. 701-et-seq.~~ and shall serve as guardian of the person or estate, or both, for a ward when ~~where~~ it has been appointed to do so by a court. The GAC Act further charges that the Commission shall evaluate a ward's ability to pay for guardianship services received and charge fees for those services. Section 27-1 of the Probate Act of 1975 [755 ILCS 5/27-1] ~~1989, ch. 110-1/2, para. 37-17~~, permits a guardian to be awarded reasonable fees for services rendered pursuant to the guardianship appointment, upon approval of the court.

b) Purpose. The purpose of this Part ~~these rules~~ and its fee schedules is to establish the procedures to be used in assessing fees against a ward or a ward's estate. A one-time initial fee shall be assessed for the establishment of the guardianship case. Fees shall be assessed monthly for guardianship services. Additional fees shall be assessed for guardianship petitioning and the sale or management of real or personal property. The Office of State Guardian shall not petition for fees if ~~where~~ financial hardship to the ward would result.

(Source: Amended at 24 Ill. Reg. 13016, effective AUG 21 2000)

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Section 301.20 Definitions

Terms are defined as follows for the purpose of this Part these--Rules, unless the context requires otherwise:

"Account" means a statement in writing of receipts and disbursements from a ward's estate by the guardian during a stated period of time.⁷

"Case Opening opening" means the internal administrative process used by OSC in establishing a temporary or ongoing guardianship case, including, but not limited to, collecting and reviewing necessary financial, legal, medical or social information pertaining to the ward or the ward's estate; opening bank or other financial accounts on the ward's behalf; assigning OSC representatives to perform guardianship responsibilities for the ward; collecting and receiving property of the ward; creating files, summaries and other documentary information necessary for the management of the ward or the ward's estate; and all other activities related to preparing for and assuming the responsibilities of guardian.⁷

"Commission" means the Guardianship and Advocacy Commission (also referred to as "GAC").⁷

"Court" means the probate court having jurisdiction over the ward and/or the estate of a ward.⁷

"Estate" means all property owned by the ward, regardless of whether the Office of State Guardian is guardian of the person or estate of the ward, including, but not limited to, all cash, savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities or instruments, mutual fund shares, furniture, automobiles, other tangible personal property, and real estate.⁷

"Fee" or "Fees" means any costs assessed by the Office of State Guardian against a ward or a ward's estate for guardianship services, including case opening fees, monthly guardianship services fees, guardianship petitioning fees, and fees for the sale or management of real or personal property.⁷

"Fee Schedules" mean tables showing the amounts of moneys the ward or the ward's estate may be assessed for guardianship services, not including charges for outside services procured by the guardian.⁷

"Financial Hardship" means that the total value of liquid assets of a living ward would fall below four-thousand-seven-hundred-dollars-4 \$62,500 47,999.99) or the ward's estate would otherwise be inadequate to provide or obtain care, assistance, education, training, sustenance,

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housing, treatment or other goods or services vital to the well being of the ward or his dependents, resulting in the risk of harm to the ward or the ward's dependents.⁷

"Guardian" means a court appointed guardian of the person, estate, or both, of a ward, and includes temporary, limited and plenary guardianship.⁷

"Guardianship Petitioning" see, "Petitioning".⁷

"Guardianship Services" means work performed by the Office of State Guardian and its representatives in becoming guardian and all guardianship duties performed thereafter on behalf of a particular ward, including, but not limited to, preparation and filing of periodic reports, inventories, petitions for expenditures, current and final accounts; sale or other disposition of real or personal property; managing all assets of an estate; securing residential placements and transfers; monitoring, evaluation and consent for medical treatment and habilitation programming; appearing for and representing a ward in legal proceedings; procuring other outside services for the benefit of the ward or the ward's estate; and quarterly, annual and other visits as necessary to provide an active guardianship program.⁷

"Inventory" means a detailed list of all property owned by the ward that which is filed with the court by the guardian.⁷

"Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property that which is readily convertible to cash and has a readily ascertainable fixed value, including savings accounts, checking accounts, certificates of deposit, money market accounts, corporate or municipal bonds, U.S. Savings Bonds, stocks or other negotiable securities, and mutual fund shares.⁷

"Notice of Assessment" means a prior written statement mailed, pursuant to the procedures outlined in Section 301.40(b) of this Part, to the ward or other interested party, including the ward's spouse, adult children, parents, adult siblings, and other nearest adult kindred, advising that costs shall be assessed by OSC against a ward or the ward's estate.⁷

"Office of State Guardian" (also referred to as "OSC") means a division of the Guardianship and Advocacy Commission, acting in its capacity as guardian of the estate, person, or both of a ward.⁷

"Outside Services" means those services not provided by OSC or GAC employees, including the services of attorneys, corporations,

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agencies, individuals, or other entities retained to represent the interests of a ward or a ward's estate, who may charge the ward's estate for services rendered, subject to court approval.⁷ The and such fees may be in addition to fees assessed pursuant to the OSG fee schedules.⁷

"Petitioning" or "Guardianship Petitioning" means the preparation, filing and litigation of guardianship petitions or petitions for the adjudication of disability of alleged disabled persons pursuant to the Probate Act of 1975, as amended [75 ILCS 5]. (fiii-Rev-Stat-1989:ch-116-1/27-par-11a-1-et-seq:77

"Property Management" or "Management of Property" means activities related to the discovery, possession, protection, conservation, listing for sale, auction or rental, solicitation of purchase or rental offers, title search, preparation of documents and forms, negotiations, payment of costs, fees, insurance, taxes, and penalties, associated with the maintenance, operation, sale, auction or rental, participation in closing or completion of a sale or rental arrangements, and any other activities required in order for Office of State Guardian to protect, maintain or convey any interest of a ward in real or personal property, including a leasehold interest, subject to court approval.⁷

"Ward" means a ward or a disabled person as defined by the Probate Act of 1975 [75 ILCS 5] (fiii-Rev-Stat-1989:ch-116-1/27-par-1-et-seq:77-as-now-or-hereafter-amended; who is at least 18 years of age, and for whom the Office of State Guardian has been appointed guardian.

(Source: Amended at 24 Ill. Reg. 13016, effective July 21 2000)

Section 301.30 Assessment of Fees

- a) Assessment - In General
- 1) Except as provided in subsections (c), (e) and (f) below, all wards with liquid assets valued at ~~five-thousand-dollars-~~ \$6,500 5,980-00, or more on the date of the OSG's appointment shall be assessed a one-time case opening fee for establishment of the case by OSG. The rate of the case opening fee shall be ~~one hundred-dollars-~~ \$200 180-00, where OSG serves as guardian of the person, ~~two-hundred-dollars-~~ \$300 280-00, where OSG serves as guardian of the estate, and ~~three-hundred-dollars-~~ \$500 380-00 where OSG serves as guardian of both the person and estate. Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than ~~6~~ six months after the termination of a prior appointment, temporary or otherwise, involving similar powers and

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- duties.
- 2) A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property shall be assessed against all wards with liquid assets valued at ~~five-thousand-dollars-~~ \$6,500 5,980-00, or more on any day during the month. The fee for the OSG's services as guardian of the person shall be ~~fifty-dollars-~~ \$100 50-00, per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of ~~one-hundred forty-five-dollars-~~ \$350 145-00, per month, based upon the highest value of the ward's liquid assets, on any day during the month, so long as the value of the ward's liquid assets is \$6,500 or more. In addition, in all cases where OSG serves as representative payee under programs administered by the Social Security Administration, the Railroad Retirement Board, or similar programs, or serves as protective payee for the receipt of private pension funds, the fee for providing representative payee services shall be \$25 per month.
 - 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian. Guardianship petitioning fees shall be in addition ~~additional~~ to case opening fees, monthly guardianship services fees, and fees for the sale or management of real or personal property. The rate for guardianship petitioning fees shall be determined using a sliding scale up to a maximum of ~~three-hundred-fifty-dollars-~~ \$600 350-00, based upon the value of the ward's liquid assets in excess of ~~five thousand-dollars-~~ \$6,500 5,980-00 on the date of the entry of the final order disposing of the guardianship petition, or, if a temporary guardian with powers over the estate is appointed, on the date of that such appointment.
 - 4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services and guardianship petitioning fees. The rate for real property sale or management fees shall be determined using a sliding scale up to a maximum of ~~five-hundred dollars-~~ \$1,000 500-00, based upon the value of the real property at the time of the sale, or, if the property is not sold, at the time of the final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of ~~three-hundred-dollars-~~ \$700 380-00, based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.

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- 5) No assessment of ~~petition~~ for fees for guardianship services shall in no event request an amount greater than that which has been established by the fee schedule in effect at the time the ward is provided notice of the assessment of fees.
- 6) No fees for guardianship services shall be assessed on estates smaller than \$6,500 five-thousand-dollars-(5500-600).
- b) Assessments - Valuation of Property. Where OSC seeks to assess fees for the management of property that which is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable methods acceptable to the court. Unless specifically ordered by the court to do so, the OSC shall not retain an appraiser at estate expense to establish the value of a ward's property if ~~where~~ the appraisal is not otherwise required for responsible management of the estate.
- c) Assessments - Court Approval. All fee assessments made by OSC shall be subject to court approval.
- d) Assessments - On Exhausted Estates
 - 1) In estates that may be exhausted by existing claims, the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.
 - 2) Proper notice of the petition for fees shall be mailed to each known claimant before the hearing is to take place.
- e) Assessments - On Entitlements. Fees shall not be assessed on income or support derived from Medicaid-Supplemental-Security-Income or TANF Public-Aid. Income or support derived from Social Security and Medicare shall be subject to OSC fee assessment unless the funds have been expressly earmarked for another purpose.
- f) Assessments - Hardship and Waiver. No fees shall be assessed if ~~where~~ financial hardship to the ward would result. The Office of State Guardian may waive fees if where no substantial guardianship services have been provided the ward.

(Source: Amended at 24 Ill. Reg. 13016, effective April 21, 2000)

Section 301.40 Notice

- a) Notice - In General. A ward or a ward's estate shall not be charged for guardianship services unless the ward is given prior written notice pursuant to the procedure set forth below.
- b) Notice - Procedure to be Used. Prior to requesting court approval for the assessment or collection of fees, a written notice shall be given to the ward, advising the ward that the ward or the ward's estate will be charged for guardianship services. This notice shall be delivered to the ward in person or by mail at least 10 calendar 5 days prior to the collection of fees. The notice shall be issued in all cases where fees may be assessed by OSC. A single notice of assessment is

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sufficient for the purpose of this Part, so long as the notice describes the type of fee that OSC may assess and the amount of the fee, ~~7-excluding-Saturdays-Sundays-and-holidays-before-the-scheduled-hearing-date~~

(Source: Amended at 24 Ill. Reg. 13016, effective April 21, 2000)

Section 301.50 Collection of Fees

- a) Pay Collection and Liability for Payment - In General. Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment shall be limited to the ward's estate.
- b) Collection of Case Opening Fees. Case opening fees shall be collected by OSC upon the entry of the court's order approving its petition for fees. ~~Where-OSC-is-the-estate-guardian-its-fee-petition-shall-not-be-filed-prior-to-the-filing-of-the-estate-inventory~~
- c) Collection of Monthly Fees. Monthly fees shall be collected by OSC on a regular basis at the time the such fees are assessed, after entry of an order appointing Office of State Guardian but only where prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity. ~~Where-OSC-is-the-estate-guardian-its-fee-petition-shall-not-be-filed-prior-to-the-filing-of-the-estate-inventory~~
- d) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the next of final account. ~~Where-the-Office-of-State-Guardian-is-the-estate-guardian-the-inventory-shall-be-filed-prior-to-or-at-the-time-of-the-filing-of-OSC's-fee-petition~~
- e) Collection of Fees for Sale or Management of Property. Fees for the sale or management of a ward's real or personal property shall be collected after the sale is completed, or at the time of the next or final account. ~~Where-the-Office-of-State-Guardian-is-the-estate-guardian-the-inventory-shall-be-filed-prior-to-or-at-the-time-of-the-filing-of-OSC's-fee-petition~~
- f) Collection of Fees for Preparation and Filing of State or Federal Income Tax Returns. Fees for the preparation and filing of a ward's State or Federal income tax return shall be assessed at the time of filing of the tax return, for each tax year in which a return is filed, when prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity.
- g) Collection of Fees for the Settlement of a Personal Injury Cause of Action. Fees for the settlement of a ward's personal injury cause of action shall be collected at the time of the approval of the settlement by the probate court.

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- h) Collection of fees for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate. Fees for establishing a recognized trust for the purpose of conserving a ward's guardianship estate or protecting the ward's assets, and for petitioning the court for the approval of the trust, shall be collected at the time of the approval of the establishment of the trust by the probate court.
- if) Collection - Hardship and Waiver waiver. No fees shall be collected if where financial hardship to the ward would result. The Office of State Guardian may waive or reduce fees assessed if where the reasonable charges for guardianship services rendered are below the fee schedule Fee-Schedule amounts or if where the costs of collection would far exceed the fees due.
- j) Collection - Impact on Creditors. The Office Officer of State Guardian may collect fees even when where claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the ward's dependants would result.

(Source: Amendment at 24 Ill. Reg. 13016, effective April 21, 2000)

Section 301.60 Fee Schedules

- a) Statutory Authority for Assessment of Fees. The Commission, under Section 705(1) of the GAC Act, is given the power to collect fees for its legal and guardianship services.
- b) Procedure for Changing Fee Schedule. No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedure Act or as amended [5 ILCS 100] (4111-Rev-Stat-1991-ch-127-pass-1001-a et-seq).
- c) Schedule for the Assessment of One-Time Case Opening Fees

- 1) Guardianship of the Person \$200000-00
- 2) Guardianship of the Estate \$200200-00
- 3) Guardianship of the Person and Estate \$500300-00

- d) Schedule for the Assessment of Monthly Guardianship Services Fees

- 1) Person Cases \$10000-00
- 2) Estate Cases

Total Value of Liquid Assets

\$ 6,500- 9,999 \$100
10,000-19,999 125
20,000-29,999 150

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30,000-39,999	175
40,000-49,999	200
50,000-59,999	225
60,000-69,999	250
70,000-79,999	275
80,000-89,999	300
90,000-99,999	325
100,000 and above	350
\$-5,000--9,999	\$-50-00
10,000-14,999	55-00
15,000-19,999	60-00
20,000-24,999	65-00
25,000-29,999	70-00
30,000-34,999	75-00
35,000-39,999	80-00
40,000-44,999	85-00
45,000-49,999	90-00
50,000-54,999	95-00
55,000-59,999	100-00
60,000-64,999	105-00
65,000-69,999	110-00
70,000-74,999	115-00
75,000-79,999	120-00
80,000-84,999	125-00
85,000-89,999	130-00
90,000-94,999	135-00
95,000-99,999	140-00
100,000-and-above	145-00

3) Representative Payee Cases. When Estate Value is \$6,500 or more

Monthly Fee \$25

- e) Schedule for the Assessment of Guardianship Petitioning Fees

Estate	Petitioning Fee
\$ 6,500-9,999	\$10025-00
10,000-19,999	15050-00
20,000-29,999	20075-00
30,000-39,999	250100-00
40,000-49,999	300125-00
50,000-59,999	350150-00
60,000-69,999	400175-00
70,000-79,999	450200-00
80,000-89,999	500225-00
90,000-99,999	550300-00

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100,000 and above

600356-08

f) Schedule for the Assessment of Fees for the Sale or Management of Real Property-

Net Sale Value of Property or Estimated Value

Fee Amount

\$ 5,000- 9,999

10,000-19,999

20,000-29,999

30,000-39,999

40,000-49,999

50,000-59,999

60,000-69,999

70,000-79,999

80,000-89,999

90,000-99,999

100,000 and above

\$---1,000-4,999

5,000-9,999

10,000-14,999

15,000-19,999

20,000-24,999

25,000-29,999

30,000-34,999

35,000-39,999

40,000-44,999

45,000-49,999

50,000-54,999

55,000-59,999

60,000-64,999

65,000-69,999

70,000-74,999

75,000-79,999

80,000-84,999

85,000-89,999

90,000-and-above

g) Schedule for the Assessment of Fees for the Sale or Management of Personal Property

Net Sale Value of Property or Estimated Value

Fee Amount

\$ 3,000- 9,999

10,000-19,999

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

20,000-29,999

30,000-39,999

40,000-49,999

50,000-59,999

60,000-69,999

70,000-79,999

80,000-89,999

90,000-99,999

100,000 and above

\$---3,000-8,999

9,000-11,999

12,000-14,999

15,000-18,999

19,000-22,999

23,000-26,999

27,000-30,999

31,000-34,999

35,000-39,999

40,000-44,999

45,000-49,999

50,000-and-above

h) Schedule for the Preparation and Filing of State or Federal Income Tax Returns

For each federal Income Tax return filed

For each state Income Tax return filed

i) Schedule for the Settlement of a Personal Injury Cause of Action

For each personal injury cause of action approved by the probate court

j) Schedule for the Establishment of a Recognized Trust for the Purpose of Protecting or Conserving the Ward's Financial Estate and Petitioning the Court for Establishment of the Trust

For each trust approved by the probate court

(Source: Amended at 24 Ill. Reg. 13016, effective AUG 21 2000)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Human Rights Authority
- 2) Code Citation: 59 Ill. Adm. Code 310
- 3) Section Numbers:
310.10 Adopted Action:
Amendment
310.20 Amendment
310.30 Amendment
310.40 Amendment
310.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 2955]
- 5) Effective Date of Amendments: August 21, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 24, 2000; 24 Ill. Reg. 4372

10) Has JCRC issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: There are no differences between the proposed and final versions.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreements issued by JCRC? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The proposed amendments would update legal citations as well as amend the terms for vacancies on regional authorities.

16) Information and questions regarding these adopted amendments shall be directed to:

Teresa Parks
Director, Human Rights Authority

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Illinois Guardianship and Advocacy Commission
Peoria Regional Office
5407 North University, Suite 7
Peoria, Illinois 61614
309/693-5001

The full text of the adopted amendments begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH

CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 310

HUMAN RIGHTS AUTHORITY

Section	Authority and Purpose
310.10	General Provisions
310.20	Membership and Organization
310.30	Meetings
310.40	Complaints
310.50	Investigations
310.60	Recommendations and Findings
310.70	Confidentiality
310.80	Limitations

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 5 Ill. Reg. 13223, effective November 13, 1981; codified at 7 Ill. Reg. 12866; amended at 10 Ill. Reg. 7778, effective April 30, 1986; amended at 24 Ill. Reg. 13029, effective Aug 21 2000.

Section 310.10 Authority and Purpose

a) Authority

The Human Rights Authority exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act ~~Public Act 80-1416-as-amended~~ [20 ILCS 3955] ~~11111-Rev-Stat-1993-and-1985-Supp-7-ch-91-1/2-par-761-et-seq-7~~, and shall consist of as many regional authorities as the Commission may see fit to appoint pursuant to Section 5(a) of the Act.

b) Purpose

Each regional authority shall investigate all nonfrivolous complaints within its authority and competence alleging that the rights of an eligible person have been violated and may conduct investigations upon its own initiative if it has reason to believe the rights of a person have been violated (Section 16 of the Act). For purposes of this Part criteria for investigation will include but not be limited to violations of the Mental Health and Developmental Disabilities Code [405 ILCS 5] ~~11111-Rev-Stat-1993-ch-91-1/2-par-1100-et-seq-7~~, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] ~~11111-Rev-Stat-1963-ch-91-1/2-par-961-et-seq-7~~ and the Nursing Home Care Act [210 ILCS 45] ~~11111-Rev-Stat-1963-ch-91-1/2-par-451-et-seq-7~~.

GUARDIANSHIP AND ADVOCACY COMMISSION

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(Source: Amended at 24 Ill. Reg. 13029, effective Aug 21 2000)

Section 310.20 General Provisions

a) Definitions of Terms - As used in this Part, unless the context requires otherwise:

"Act" means the Guardianship and Advocacy Act [20 ILCS 3955]. ~~11111-Rev-Stat-1983-ch-91-1/2-par-761-et-seq-7~~

"Chairperson" means the Chairperson of a Regional Human Rights Authority.⁷

"Commission" means the Guardianship and Advocacy Commission.⁷

"Complainant" means any person or entity who files a complaint with an authority or member of an authority. ~~thereof.~~

"Complaint" means any allegation that the rights of an eligible person have been or may have been violated which is initiated by or communicated to a regional authority or member of an authority. ~~thereof.~~

"Director" means the Director of the Guardianship and Advocacy Commission.⁷

"Eligible Person" means an individual individuals who has ~~have~~ received, is ~~are~~ receiving, has ~~have~~ requested, or may be in need of mental health services, or is ~~are~~ "developmentally disabled ~~Developmentally-disabled~~" as defined in the federal ~~Public~~ "Developmental Disabilities Services and Facilities Construction Act" (42 USC 6001(7)) ~~Public Law 94-163-9416-et-seq-7~~, as now or hereafter amended or any "person with one or more disabilities" ~~Persons-disabled~~ as defined ~~Defined in the~~ ~~Disability~~ ~~Persons Rehabilitation Act~~ [20 ILCS 2105]. ~~An Act--in Relation--to Vocational Rehabilitation of Disabled Persons--11111-Rev-Stat-1983-ch-93-par-3430-et-seq-7--approved--June--1979--as-now-or-hereafter-amended.~~

"Frivolous" means a factual allegation which, if true, has no legal consequence nor implies any violation of a right established by law.

"Guardian" means a court appointed guardian or conservator.⁷

"HRA Committee" means the Commissioners appointed by the Chairperson of the Guardianship and Advocacy Commission to

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oversee the Human Rights Authority program and to propose HRA policy to the Commission.

"Identifiable Data" means any record, document, paper, material, description or other information that discloses the identity of an eligible person or his family.⁷

"Person" means an individual, corporation, partnership, association, unincorporated organization, or a government or any subdivision, agency, or instrumentality of that government thereof;

"Program Director" means the person designated by the Director to coordinate the activities of all regional authorities.⁷

"Regional Authority" means a regional Human Rights Authority.⁷

"Regional Coordinator" means the person designated by the Program Director to assist a specific regional authority in its activities.⁷

"Rights" includes but is not limited to all rights, benefits, and privileges guaranteed by law, the constitution of the State of Illinois, and the constitution of the United States.⁷

"Service Provider" means any public or private facility, center, hospital, clinic, program or any other person devoted in whole or in part to providing services to eligible persons.⁷

"Services" includes examination, diagnosis, evaluation, treatment, care, training, psychotherapy, pharmaceuticals, after-care, habilitation, rehabilitation, and related activities provided for an eligible person.

b) Computation of Time

In computing any period of time prescribed in this Part, the date of the event from which such period begins to run shall not be included. If the last day of the period so computed shall fall on a Saturday, Sunday or State holiday, the such time period shall continue to run until the next day that which is not a Saturday, Sunday or State holiday.

c) Severability

In the event any provision of this Part is determined by a court or other body of competent jurisdiction to be invalid, that such determination shall not affect the remaining provisions that which shall continue in full force and effect.

d) Rules Exclusive

All procedures or activities employed by a regional authority in

GUARDIANSHIP AND ADVOCACY COMMISSION

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exercising its statutorily defined powers and duties shall be governed by this Part. No regional authority shall adopt policy unless approved by the Commission. The Commission shall disapprove, pursuant to Section 5(c) of the Act, any action taken by a regional authority contrary to the provisions of this Part.

- e) Petition by a Regional Authority for Rule Change
- A regional authority may request that the Commission promulgate, amend or repeal a rule in this Part by submitting a written petition to the Program Director setting forth the particular rulemaking action desired and the reasons in support of that action thereof. The Program Director shall forward, within 10 days, the petition, together with any observation or comments, to the Director and the HRA Committee that which shall, upon consideration, forward its recommendation on the petition to the Commission. Should the HRA Committee decide to propose to amend or adopt a rule, it shall forward its recommendation to the Chairperson of each regional authority at the same time it is sent to the Commission.

(Source: Amended at 24 Ill. Reg. 18029, effective April 1, 2000)

Section 310.30 Membership and Organization

a) Membership

Each regional authority shall consist of nine members appointed by the Commission pursuant to (Section 14 of the Act).

b) Duration of Term

Members of the regional authorities Regional Authorities shall serve for a term of three years. No member shall serve for more than two consecutive three year terms. (Section 14 of the Act) After a one-year absence, if a vacancy occurs on a regional authority the Commission may appoint a former member who satisfactorily served prior terms of appointment.

c) Removal of Member

1) The Commission on its own initiative may remove for incompetence, neglect of duty, or malfeasance in office any member of a regional authority. (Section 14 of the Act)

2) A regional authority shall recommend to the Commission the removal of one of its members if:

- A) the regional authority has given written notice to the member of its intention to recommend removal and the reason for the removal thereof; and
- B) the member is given an opportunity at the next regularly scheduled meeting of the authority to explain, either orally or in writing, why a recommendation of removal shall not be made; and
- C) a majority vote of the regional authority members in attendance and constituting a quorum of the regional

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authority at a regularly scheduled or special meeting, for good cause shown, votes to recommend the member's removal; and

D) A written request for removal is made to the Commission with a statement of the reasons for the removal; therefore, together with any explanation offered by the member to the members of the regional authority; a copy of the such request shall also be forwarded to the member.

3) A member who misses three consecutive meetings shall be notified by the regional authority that failure to attend the next meeting, unless for reasons beyond the member's control, shall result in a request for the member's removal.

c) Vacancies in regional authorities shall be filled within 60 sixty days after declaration of the vacancy in the same manner as original appointments (Section 14 of the Act). A person appointed to fill if such vacancy shall serve for the remainder of the unexpired term. If the remainder of the unexpired term is less than 2 years, the person shall be eligible for 2 additional 3 year terms.

e) Compensation
Members of the regional authorities shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties (Section 14 of the Act) in accordance with 80 Ill. Adm. Code 2800.

f) Officers
At its annual June meeting each regional authority shall elect a chairperson, vice-chairperson, secretary and any other officers it deems necessary. Should circumstances arise to prevent holding the annual meeting in June, the annual meeting shall become the next immediate meeting held by the regional authority.

g) Committees
A regional authority may establish such committees as it deems necessary to achieve its stated purpose.

(Source: Amended at 24 Ill. Reg. 13 029, effective 4-21-2000)

Section 13.40 Meetings

a) Annual Meeting
The annual meeting of each regional authority shall convene in June for the purpose of electing officers and for any other business that may be brought before it.

b) Regular Meetings
Each regional authority shall meet not less than once every two months.

c) Special Meetings
Meetings may also be held upon call of the Regional Chairperson or

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upon written request of any five members of the Regional Authority.

d) Quorum
Five members shall constitute a quorum. (Section 14 of the Act)

e) Voting on Actions
Except as provided in Section 310.50(c) and 310.70(c)(3) of this Part, no action shall be taken at any meeting of a regional authority except upon a majority vote of the members in attendance and constituting a quorum.

f) Notice
Each regional authority shall give public notice of its schedule of regular meetings at the beginning of each calendar year, including the dates, times, and places of such meetings, if known. Public notice of any special meeting or reconvened regular meeting shall be given at least 24 twenty-four hours before the such meeting. However, this requirement of public notice of reconvened meetings does not apply to a meeting reconvened within 24 twenty-four hours or when where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in agenda. Public notice shall be given by posting a copy of the notice at the Commission's offices located in Springfield and Chicago, Illinois, and at the regional authority's regional office and at the building where the meeting is to be held. In addition, an authority shall provide notice of its meetings to any newspaper or radio or television station that requests such notice.

g) Minutes
Minutes of each meeting shall be recorded by the secretary of the authority or designee and a copy retained by the secretary. The Such minutes, except as provided in Section 310.80(d) of this Part, shall be available, within 7 seven days after their approval, for public inspection at the Commission's offices located in Springfield and Chicago, Illinois and the regional authority's regional office.

h) Location of the Meeting Place
Each regional authority shall conduct meetings at locations within its regional boundaries so as to facilitate participation by the regional authority members and residents of the region.

i) Accessibility of Meeting Place
Each regional authority shall conduct its meetings at facilities that are accessible to the mentally and physically impaired.

j) Public Comment
A portion of each meeting shall be set aside for comments or questions by nonmembers.

k) Open Meetings Act
The meetings of all regional authorities shall be conducted in compliance with the provisions of the Open Meetings Act [5 ILCS 120] (iii---Rev---Stat---1993---ch-107---para-41-et-seq) and the Illinois Guardianship and Advocacy Act [20 ILCS 3955] (iii---Rev---Stat---1993---ch-91-i/2---para-701-et-seq).

GUARDIANSHIP AND ADVOCACY COMMISSION

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(Source: Amended at 24 Ill. Reg. **13029**, effective
Aug 27 2000)

Section 310.50 Complaints

- a) Recording Complaints
Every complaint received by a regional authority shall be recorded on forms prescribed by the Commission (GAC 400).
- b) Disposition of Complaints

- 1) Acceptance
Except as provided in subsection (c) below, a decision to investigate a complaint shall be made upon the majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting.
- 2) Non-Acceptance

- If a regional authority determines that a complaint does not involve the rights of an eligible person or if that a complaint is frivolous, the regional authority shall not open the investigation.
- 3) Postponement

- A) If the regional authority determines that its investigation of a complaint would jeopardize pending employment, disciplinary or criminal proceedings, the regional authority's investigation shall be postponed until the proceeding is concluded.

- B) If the regional authority determines that a conflict of interest exists for that regional authority under Section 310.90(f) of this Part, the regional authority's investigation shall be postponed until the Commission authorizes another regional authority to conduct the investigation pursuant to Section 310.60(b) of this Part.

- c) Emergency Complaints

If it appears necessary for the welfare or protection of the rights of an eligible person, a regional authority may conduct an investigation with the approval of the chairperson and two other members of the regional authority. A proposed investigation ~~Such action~~ shall be presented for ratification by a majority vote of the members present and constituting a quorum at the next regularly scheduled or special meeting.

- d) Notice to Complainant

A regional authority shall provide a written notice to the complainant that which states:

- 1) a brief summary of the complaint and number assigned to it;
- 2) whether the regional authority will conduct an investigation; or
- 3) whether the regional authority will not conduct an investigation, and the reasons for that decision ~~therefor~~.

- e) Complainants Confidentiality

The regional authority shall keep each complainant's name confidential

GUARDIANSHIP AND ADVOCACY COMMISSION

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from outside sources. If a member of the public or an outside agency requests the name of the complainant, the regional authority shall forward that request to the complainant who shall make the decision regarding disclosure.

(Source: Amended at 24 Ill. Reg. **13029**, effective
Aug 27 2000)

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3) Section Number:
100.70
Emergency Action:
Amend
- 4) Statutory Authority: Implements Article 9 of the Illinois Election Code and authorized by Section 9-15(3) of the Illinois Election Code [10 ILCS 5/Art. 9 and 9-15(3)].
- 5) Effective Date: August 9, 2000
- 6) If these emergency amendments are to expire before the end of the 150 day period, please specify the date on which they are to expire: The emergency rules will expire on the date of adoption of rules under the ordinary rulemaking process.
- 7) Date Filed With Index Division: August 4, 2000
- 8) A copy of the emergency amendments, which make no incorporations by reference, are on file in the principal office of the State Board of Elections, 1020 S. Spring Street, Springfield IL, and are available for inspection and copying.
- 9) Reason for Emergency: Violations of reporting deadlines now call for the imposition of civil penalties for first-time offenses. In the absence of immediately effective rules constraining general provisions of the amendments made by P.A. 90-737, political committees will not be advised of the new potentials for civil penalties imposed by P.A. 90-737.
- 10) A Complete Description of the Subjects and Issues Involved: Revises the schedule of civil penalties to conform to the newly-imposed requirements of P.A. 90-737.
- 11) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Ill Register Citation
100.10	Amend	10/22/99, 23 Ill. Reg. 12924
100.20	Amend	10/22/99, 23 Ill. Reg. 12924
100.40	Amend	10/22/99, 23 Ill. Reg. 12924
100.50	Amend	10/22/99, 23 Ill. Reg. 12924
100.60	Amend	10/22/99, 23 Ill. Reg. 12924
100.70	Amend	10/22/99, 23 Ill. Reg. 12924
100.80	Amend	10/22/99, 23 Ill. Reg. 12924
100.90	Amend	10/22/99, 23 Ill. Reg. 12924
100.100	Repeal	10/22/99, 23 Ill. Reg. 12924
100.110	Amend	10/22/99, 23 Ill. Reg. 12924

STATE BOARD OF ELECTIONS

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- 12) Statement of Statewide Policy Objectives: The rule proposed neither creates nor expands State mandates for units of local government.
- 13) Information and Questions Regarding this Emergency Amendment Shall be Directed to:

A. L. Zimmer, General Counsel
 State Board of Elections
 James R. Thompson Center
 100 W. Randolph St., Suite 14-100
 Chicago IL 60601
 (312) 814-6477

The full text of the Emergency Amendments begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER 1: STATE BOARD OF ELECTIONSPART 100
THE CAMPAIGN FINANCING ACT

Section

- 100.10 Definitions
- 100.20 Official Forms
- 100.30 Forwarding of Documents (Repealed)
- 100.40 Vacancies in Office - Custody of Records
- 100.50 Multiple Filings by State and Local Committees
- 100.60 Filing Option for a Federal Political Committee
- 100.70 Reports of Contributions and Expenditures
- EMERGENCY
- 100.80 Report Forms
- 100.90 Provision Circumvention
- 100.100 Proof of Identification; Application for Inspection and Copying
- 100.110 Loans by One Political Committee to Another
- 100.120 Receipt of Campaign Contributions
- 100.130 Reporting by Certain Not-for-Profit Organizations
- 100.140 Prohibited Contributions
- 100.150 Electronic Filing of Reports
- 100.160 Good Faith
- 100.170 Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; amended by emergency rulemaking at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 10089, effective August 9, 2000, for a maximum of 150 days.

Section 100.70 Reports of Contributions and Expenditures

EMERGENCY

- a) Reference: This Section interprets or applies Section 9-10 of the Election Code.
- b) For purposes of determining the amount of contributions of \$500 or more under Section 9-10 of the Act, all contributions received between the last date of the period covered by the last report filed prior to

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY AMENDMENTS

the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.

- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each such disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code, or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.
- d) A committee which, having filed a Statement of Non-Participation, makes a subsequent contribution to a candidate who will appear on the ballot at the next election shall file a Pre-Election Report within five days after making the contribution, or if the contribution is made during the five days immediately prior to the election, within 24 hours after making the contribution.
- e) Political committees must file pre-election reports of non-participation reports.
 - 1) Every active political committee must file a pre-election report and A-1 reports in conjunction with every next election unless:
 - A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and
 - B) the political committee makes no expenditures, including in-kind contributions, in excess of \$500 on behalf of or in opposition to any candidate or public question on the ballot at an election, aggregating all expenditures during the pre-election reporting period and the A-1 reporting period. An active political committee that meets both requirements of this subsection (e)(1) shall be deemed a nonparticipating political committee and shall file, in lieu of a pre-election report, a Statement of Non-Participation for the next election.
 - 2) Once a non-participating political committee makes an expenditure of \$500 or more, aggregating all expenditures during the pre-election reporting period and the A-1 reporting period and including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election, the non-participating political committee becomes a participating political committee and shall file a pre-election report in accord with subsection (d) of this Section. In cases where the political committee, having filed a Statement of Non-Participation, becomes a participating political committee under the provisions of this subsection (e) and does not, as required by subsection (d) of this Section, promptly file its

STATE BOARD OF ELECTIONS

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pre-election report, the Board will assess a civil penalty against the political committee for failing to file or for delinquent filing a pre-election report as stated in 26 Ill. Adm. Code 125.425(e)(3) and (4). The Board shall cease the calculation of the fine on the day of the election. If the fine calculated is greater than the amount of total expenditures made by the political committee on behalf of or in opposition to any candidate or public question on the ballot at an election, from the beginning of the pre-election reporting period to the day before the election, the fine shall not exceed the total expenditures made.

- 3) Once a non-participating political committee becomes a participating political committee by the events described in subsection (e)(2), the political committee shall file A-1 reports as required by 10 ILCS 5/9-10. The Board shall assess a civil penalty against a political committee for failing to file or for delinquent filing an A-1 report as stated in 26 Ill. Adm. Code 125.425(e)(5) and (6). The Board shall cap the fine on the next election day, or the day thereafter if the committee received the reportable A-1 contribution the day before the next election day. The Board shall assess a total civil penalty proportionate to the amount contributed by the committee by multiplying the total calculated penalty by a fraction whose numerator is the total aggregate contributions to other political committees, including in-kind contributions, and whose denominator is the total aggregate contributions that were required to be reported but were in fact unreported, provided that the fine for omitting to file or delinquent filing A-1 reports shall not be greater than the amount of expenditures made by a non-participating political committee on behalf of or in opposition to any candidate or public question on the ballot at an election.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective August 9, 2000, for a maximum of 150 days)

13039

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.84
Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/Ch. 6, Art. I) and authorized by Section 2-104(b) of the Illinois Vehicle Code (625 ILCS 5/2-104(b)).
- 5) Effective Date of Emergency Amendment: August 10, 2000
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will not expire before the end of the 150-day period.
- 7) Date filed in Agency's Principal Office: August 10, 2000
- 8) A copy of the Emergency Amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: On July 1, 2000, the Office of the Secretary of State entered into a collective bargaining agreement with the Service Employees International Union, which represents the Secretary of State employees working in driver's license facilities. The new agreement provides that an applicant will be required to show proof of insurance prior to a road test.
- 10) A Complete Description of the Subject and Issues Involved: Applicants for a road test are currently required to affirm in writing that the vehicle for the test drive is insured pursuant to the Illinois Mandatory Insurance Law. Under this amendment, applicants will be required to produce proof of insurance.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency amendment will not require any new expenditures by units of local government.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services

SECRETARY OF STATE
 NOTICE OF EMERGENCY AMENDMENTS
 2701 S. Dirksen Parkway
 Springfield IL 62723
 217/782-5356

The full text of the Emergency Amendment begins on the next page.

SECRETARY OF STATE
 NOTICE OF EMERGENCY AMENDMENTS
 TITLE 92: TRANSPORTATION
 CHAPTER II: SECRETARY OF STATE
 PART 1030
 ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure For Obtaining a Driver's License
1030.11	Denial of License or Permit
1030.13	Cite for Re-examination
1030.15	Physical and Mental Evaluation
1030.16	Errors in Issuance of Driver's License/Cancellation
1030.17	Medical Criteria Affecting Driver Performance
1030.18	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Third-Party Certification Program
1030.60	Religious Exemption for Social Security Numbers
1030.63	Instruction Permits
1030.65	Driver's License Testing/Vision Screening
1030.70	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.75	Driver's License Testing/Written Test
1030.80	Endorsements
1030.81	Vehicle Inspection
1030.84	EMERGENCY
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License

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NOTICE OF EMERGENCY AMENDMENTS

1030.130 Grounds for Cancellation of a Probationary License

APPENDIX A Questions Asked of a Driver's License Applicant
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2023, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection

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NOTICE OF EMERGENCY AMENDMENTS

of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. ~~13044~~, effective August 10, 2000, for a maximum of 150 days.

Section 1030.84 Vehicle Inspection

EMERGENCY

a) For the purposes of this section terms shall be defined as follows:

"Examiner" - employee of the Secretary of State who is qualified to administer a road test.

"First Division Vehicle" - those motor vehicles that which are designed to carry not more than ten persons.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code [625 ILCS 5/1-169] ~~4313-Rev.-Stat.-1999-CH-95-1/27-PAR-1-169~~ when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce [49 USCA 1802]. †49

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NOTICE OF EMERGENCY AMENDMENTS

B-6-C-A--1992-7

"Mandatory Insurance" - requirement of insurance as provided by Article 6 of the Illinois Safety and Family Financial Responsibility Law Section--7-601-et-seq of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI]. ~~§§§--Rev--Stat--1999,--ch-95-3-7,--part-7-601-7~~

"Mandatory Liability Insurance Policy" - a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property pursuant to Section 7-203 of the Illinois Vehicle Code [625 ILCS 5/7-203]. ~~§§§--Rev--Stat--1999,--ch-95-3-7,--part-7-203-7, and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code--as amended [215 ILCS 5/143a and 143a-2].~~ ~~§§§--Rev--Stat--1999,--ch-73--part--755-7-7~~ The definition does not include vehicles subject to the provisions of Chapters 18 or 18a, Article III, or Sections 7-609, 12-606, or 12-707.01 of the Illinois Vehicle Code; vehicle required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self insurance pursuant to Section 7-502 of the Illinois Vehicle Code; vehicles owned by the United States Government, State of Illinois, or any political sub-division, municipality or local mass transit district; implements of husbandry, other vehicles complying with laws which require insurance in amounts meeting or exceeding the minimum amounts required under the Illinois Vehicle Code; and inoperable or stored vehicles that are not operated.

"Motorcycle" - every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"Pedalcycle" - motor driven cycle whose speed attainable in 1 one mile is 30 thirty miles per hour or less, which is equipped with a motor that which produces 2 two brake horse power or less.

"Proof of Insurance" - Illinois insurance card [625 ILCS 5/7-602(a)]; the combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)]; a current declarations page of a liability policy [625 ILCS 5/7-602(c)]; liability insurance binder; certificate of insurance; receipt for payment for a liability insurance premium [625 ILCS 5/7-602(d)]; a current rental agreement [625 ILCS 5/7-602(e)]; registration plates, registration sticker, or other evidence of registration issued by the Secretary of State only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)]; or a certificate, decal, or other document or device

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issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(G)] or has qualified for an exemption under the law.

"Registration sticker" - a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period of time.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182], which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Second Division Vehicle" - vehicles that which are designed for carrying more than 10 ten persons, those designed or used for living quarters, those vehicles that which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

"Secretary of State" - the Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

b) An applicant, who is required to take the road test, as defined in Section 1030-85 of this Part, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle that which is not properly equipped or that which does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for the type of representative vehicles being used to administer the road test:

1) Registration plates shall be attached or affixed to the motor vehicle pursuant to Section 3-413 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-413]. ~~§§§--Rev--Stat--1999,--ch-95-3-7,--part--3-413-7~~ The owner of a vehicle who which does not have registration plates and/or a registration sticker shall present proper documentation, pursuant to Section 3-407 of the Illinois Vehicle Title and

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Registration Law of the Illinois Vehicle Code [625 ILCS 5/3-407].
 {†††-Rev-Stat-1999--ch-95-1/2-par-3-497} showing that
 proper registration has been applied for, prior to use of the
 vehicle for road test.

- 2) When lighted lamps are required pursuant to Section 12-201(b) of the Illinois Vehicle Equipment Law for the road test, motor vehicles shall have mounted, exhibit and operate such lamps pursuant to Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215]. {†††-Rev-Stat-1999--ch-95-1/2-par-12-207, 12-208, 12-209, 12-210-and/or-12-215} A motorized pedalcycle must have mounted and display a lamp(s) and reflector as required in Section 11-1507.1 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1507.1]. {†††-Rev-Stat-1999--ch-95-1/2-par-11-1507-1/2} When windshield wipers are required pursuant to Section 12-503(d) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-503(d)] {†††-Rev-Stat-1999--ch-95-1/2-par-12-503(d)}, they must be in proper operating condition as defined in the same statute.
- 4) The horn must be in proper working order pursuant to Section 12-601 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-601]. {†††-Rev-Stat-1999--ch-95-1/2-par-12-601} Horns do not include a siren, whistle, or bell.
- 5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, side windows, or side windows immediately adjacent to each side of the driver which materially obstructs or obscures or impairs the view from both within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window which materially obstructs the driver's view. No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rear view mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured. [625 ILCS 5/12-502] {†††-Rev-Stat-1999--ch-95-1/2-par-12-502}

- 6) No vehicle may be used for the road test if one or more tires are unsafe as defined in Section 12-405 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-405]. {†††-Rev-Stat-1999--ch-95-1/2-par-12-405} A vehicle equipped with metal studded tires may not be used for the road test.

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- 7) The service brakes, foot or hand operated, must be in a condition which allows activation with one movement of the activating device. All first and second division vehicles must be equipped with an operable emergency brake. A Class M motorcycle shall have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.
- 8) Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat safety belt pursuant to Section 12-603.1 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-603.1]. {†††-Rev-Stat-1999--ch-95-1/2-par-12-603-1/2} Such requirements shall not apply to a driver possessing a written statement from a physician that such a person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles that which are not required to be equipped with seat safety belts under Federal Law [49 CFR 393.93]. {49-CFR-393-93} A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated, as required by Section 12-807 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-807]. {†††-Rev-Stat-1999--ch-95-1/2-par-12-807}
- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each second division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of 5 five inches and a minimum vertical dimension of 10 ten inches.
- 10) The seat for the person giving the examination must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test pursuant to Section 1030.85 of this Part. The seat must be free from excessive soil, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors which could pose a danger to the driver or examiner.
- 11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play [which have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement steering wheel must have before the front wheels move.
- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) Every motor vehicle of a width or design which would not allow

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hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device that which indicates the intention of the driver to turn to the right or to the left. Such signalling device shall be in the form of a flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

14) Any motor vehicle or combination vehicle that which operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges that which may prevent or hinder the safe operation of the vehicle braking system. Any motor vehicle or combination vehicle that which operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading fails to maintain 95 pounds per square inch pressure during normal pressure buildup.

15) Three safety flags, flares, fuses or reflectors shall be provided in all Second Division vehicles as described in Section 12-702 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-702]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-702-7

16) An operating speedometer shall be mounted in all vehicles designated as a school bus in such a manner that it is readable to the seated driver.

17) The emergency doors at the front and the rear of a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unattached.

18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-808]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-608-7

19) A school bus shall carry a removable and readily identifiable first aid kit, mounted in full view of and readily accessible to the driver pursuant to Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-809]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-609-7

20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-805]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-805-7 Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500

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feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

21) All Second Division vehicles, as required by Section 12-202 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-202] ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-202-7, shall have mounted and properly display clearance, identification and side marker lamps. Such lamps shall be illuminated for the road test, during periods when headlights are required pursuant to Section 12-201 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-201]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-201-7

22) A stop arm shall be placed on the driver's side of each Second Division school bus and may be operated either manually or mechanically. The design of this stop arm shall comply with Section 12-803 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-803]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-403-7

23) The tailpipe(s) of each Second Division school bus should extend beyond the rear end of the chassis frame, but not beyond the rear of the bumper.

24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses pursuant to Sections 12-801, 12-802, 12-804 and 12-806 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-801, 12-802, 12-804 and 12-806]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-32-401;--32-402;--32-404 and 32-806-7 A road test, for a religious organization bus or senior citizen transportation vehicle restriction, may be administered in any vehicle of proper representative type for the license restriction requested [see 92 Ill. Adm. Code 1030.92]. ¶92-111-Adm-Code-1030-92-7

25) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

26) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to Section 11-1404 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1404]. ¶¶Rev-Stat-1989;--ch-95-1/2;--par-11-1404-7

27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to Sections 13-111 and 13-114 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13-111 and 13-114] ¶¶Rev-Stat-1989;--ch-95-1/2;--par-13-111 and 13-114-7, except those vehicles displaying a Department of Transportation federal

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NOTICE OF EMERGENCY AMENDMENTS

census number on the side of the vehicle shall not be subject to such certificate.

- c) Prior to taking a road test, as defined in Section 1030.85 of this Part, each applicant shall execute an affirmation in compliance with Section 1-109 of the Illinois Code of Civil Procedure stating that the vehicle to be used for the road test:

1) is insured pursuant to, and in compliance with, the Illinois Mandatory Insurance Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7, Art. VI] (the applicant shall provide proof of insurance); or

2) falls within one of the stated exempted categories. ~~4111-Rev- Stat-1989-ch-95-1/27-Par-7-661-et-seq-7.~~

If the applicant refuses to execute or fails to comply with this Section, then no road test shall be given the applicant in that vehicle until such time as the applicant complies.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective August 10, 2000, for a maximum of 150 days)

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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(c) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended for 180 days the license of OSI Financial Services, Inc. of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder effective July 20, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5 (g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500.00 against Grant Financial Services of Oak Brook, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 30, 2000.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1999), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500.00 against Reserve Mortgage Corporation of Naperville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 18, 2000.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Children's Accounts

2) Code Citation: 89 Ill. Adm. Code 353

3) The Notice of Proposed Amendments being corrected appeared at: 24 Ill. Reg. 11088, July 28, 2000

4) The information being corrected is as follows: In question #5 (Section 353.5, Disbursements from Accounts) of the Notice Page, the Department inadvertently left in language stating that medical payments from children's accounts were being eliminated. The Department is removing a subsection of the rule dealing with this subject. However, language maintaining medical payments from the children's accounts is inserted later in the rule.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Consumer Installment Loan Act

2) Code Citation: 38 Ill. Adm. Code 110

3) The Notice of Proposed Amendments being corrected appeared at: 24 Ill. Reg. 11717, August 11, 2000

4) The Information being corrected is as follows: Notice Page item 12(A) indicated no small business as being affected. Upon further review of the proposed amendment, the Department states that some short-term lenders, which may in fact be small businesses, may be affected by the amendments as the amendments institute certain procedures with which certain lenders must comply.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1370)

1) Rulemaking:

- A) Description: Rules will be rewritten to bring them up to date with the changes contained in Public Act 91-408.

- B) Statutory Authority: 225 ILCS 105

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Fall 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: Boxers, wrestlers, their promoters, referees and other individuals associated with this industry could be affected.

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:

- A) Description: Ethical standards for this industry will be proposed.

- B) Statutory Authority: 225 ILCS 425

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Fall 2000

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies will be affected.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

- A) Description: Various sections will be amended to provide consistency throughout the Act and Rules.

- B) Statutory Authority: 225 ILCS 107

- C) Scheduled meeting/hearing date: No hearings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors and licensed clinical professional counselors will be affected.

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

- A) Description: Various sections will be amended to provide consistency throughout the Act and Rules, including educational

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

standards for dental hygienists administering local anesthesia.

B) Statutory Authority: 225 ILCS 25

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dentists and dental hygienists may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

A) Description: Various sections will be amended to provide consistency throughout the Act and Rules.

B) Statutory Authority: 225 ILCS 446

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed private detectives, security contractors, alarm contractors and locksmiths, their agencies and their employees and applicants for licensure under this Act may be affected.

F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

1) Rulemaking:

A) Description: This Part will be clarified to define "direct supervision".

B) Statutory Authority: 225 ILCS 37

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 2000

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed environmental health practitioners and applicants for licensure will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)

1) Rulemaking:

A) Description: Clarification of the bond requirement will be included in this Part.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

- B) Statutory Authority: 225 ILCS 335
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Fall 2000
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed roofing contractors and applicants for licensure will be affected.
- F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500 and 1505)

1) Rulemaking:

- A) Description: Technical clean-up changes may be made in these Parts.
- B) Statutory Authority: 225 ILCS 115
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and veterinary technicians and applicants for licensure will be affected.
- F) Agency contact person for information:
Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1999 REGULATORY AGENDA

217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

2000-14
EXECUTIVE ORDER CREATING THE ILLINOIS VENTURETECH ADVISORY
COMMITTEE

WHEREAS, Illinois' economic future is dependent upon its ability to strengthen, expand, and utilize its technological resources to prepare its citizens and industries for competition in the global marketplace of the New Economy; and

WHEREAS, the U.S. Department of Commerce estimates that information technology firms are responsible for as much as a third of the nation's economic growth in the last four years, and that in another six years, almost half of the U.S. workforce will work in businesses that are either major producers or intensive users of information technology; and

WHEREAS, Illinois has the fourth largest technology economy in the nation, but cannot afford to rest on this accomplishment, because other states and nations are aggressively competing to attract intellectual capital, entrepreneurs, and technology firms and the high-paying jobs they create; and

WHEREAS, Illinois must capitalize on its rich intellectual talent and resources to improve education, workforce training, economic development, science and healthcare, biotechnology, information technology, and to boost the quality of life of all Illinoisans; and

WHEREAS, in order to fully capitalize on the State's continuing investment in Illinois' science and research institutions, and to assist emerging biotechnology and other technology businesses, and to secure our growing prominence in the area of information technology, Illinois must increase the availability of venture capital; and

WHEREAS, the General Assembly overwhelmingly approved Illinois' landmark VentureTECH Initiative -- a five year, \$1.9 billion technology investment program which positions Illinois to continue and build on its leadership position in the technology-driven New Economy. With investments in people, programs, and physical structures, VentureTECH will advance Illinois in the areas of education, commercial technology, health sciences and biotechnology, and state technology programs; and

WHEREAS, as a part of VentureTECH, the leadership of the state's pension funds have agreed to assist the state in dramatically increasing their investments in Illinois technology start-ups, entrepreneurs, and venture capital funds.

THEREFORE, I, George H. Ryan, hereby order the following:

1. There is created the Illinois VentureTECH Advisory Committee (the "Committee"), to provide oversight of the VentureTECH program, and offer expertise and advice on other current and future technology programs.
2. The Illinois VentureTECH Advisory Committee shall be appointed by the Governor and shall be composed of representatives from academia, business, science, technology and government agencies. The Governor shall also name a Chairman.
3. The Illinois VentureTECH Advisory Committee shall report to the Governor and its administrative functions shall be coordinated by the Illinois Technology Office.

2000-14
EXECUTIVE ORDER CREATING THE ILLINOIS VENTURETECH ADVISORY
COMMITTEE

4. The Illinois VentureTECH Advisory Committee shall:

- a. Advise the Governor on the progress of the Illinois VentureTECH initiatives;
- b. Recommend to the Governor new investment opportunities to bolster research capacity and more effectively transfer research into viable commercial enterprises;
- c. Explore opportunities to strengthen and broaden applications in advanced information technology and biotechnology to achieve statewide objectives and priorities;
- d. Promote the coordination of activities between educational entities, labs, museums and state agencies to improve math, science and technology literacy for students of all ages throughout Illinois;
- e. Offer advice to the Department of Commerce and Community Affairs, the Illinois Coalition, and other interested organizations and agencies to develop state policies on science and technology and their effect on productivity and competitiveness;
- f. Encourage collaborative partnerships with national labs, colleges, universities, schools, museums, business, the Illinois Coalition, the Department of Commerce and Community Affairs and other and governmental entities, to maximize federal and private funding of opportunities and programs and to develop projects capable of commercialization;
- g. Explore innovative ways to deliver educational and governmental services, maximize resources and become more performance-driven through the use of technology;
- h. Perform such other functions as are necessary to fulfill its duties under law and Executive Order.

5. There is also created within the Committee the Illinois Technology Venture Financing Council (the "Council"), with membership appointed by the Governor, from among Committee members, the State pension funds and other venture capital professionals.

6. The purpose of the Council is to increase the availability and information related to technology based venture capital in Illinois. It shall:

- a. Facilitate discussion and encourage the development of strategies to dramatically increase the availability of venture capital for

2000-14

EXECUTIVE ORDER CREATING THE ILLINOIS VENTURETECH ADVISORY
COMMITTEE

early stage technology businesses and entrepreneurs in Illinois. Through these discussions, the Council will strengthen State partnerships with private industry and to attract and retain technology-related professionals in Illinois.

- b. Work with the Illinois Department of Commerce and Community Affairs, the Illinois Development Finance Authority and other economic development officials to forge a partnership with the State's major pension and investment funds, and Illinois venture capital firms.
 - c. Direct the Department of Commerce and Community Affairs to collect information on which venture capital firms are receiving state pension funding, and ensure that the staffs of these pension funds assist DCCA in the promotion of Illinois technology firms and entrepreneurs to these venture capital firms for investment consideration.
7. In addition to the duties and responsibilities assigned to the VentureTECH Advisory Committee herein, the Committee shall act as the successor body to the Illinois Science and Technology Advisory Committee and shall, from the date of this order, assume all of the powers and responsibilities of that Committee.
8. This Executive Order Number 14 (2000) shall take effect upon filing with the Secretary of State.
- Issued by the Governor July 19, 2000.
Filed with the Secretary of State July 19, 2000.

PROCLAMATIONS

2000-338 (REVISED)

FESTA ITALIANA DAYS

WHEREAS, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the State; and

WHEREAS, Festa Italiana will be a celebration of Italian artists, folklore, singing, dancing, and crafts and will include a Bocce tournament; and

WHEREAS, Chair Cynthia Borcherts announces that the year 2000 marks the 22nd anniversary of the Festa Italiana. The theme of the Festival is "The Year Of The Women;" and

WHEREAS, Festa Italiana will be held at Boylan Catholic High School grounds and the Sunday Mass will honor the Women of the Year; and

WHEREAS, August 4-6, 2000, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 4-6, 2000, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor June 29, 2000.

Filed by the Secretary of State July 18, 2000.

2000-338 (REVISED 2)

FESTA ITALIANA DAYS

WHEREAS, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the State; and

WHEREAS, Festa Italiana will be a celebration of Italian folk dancing, singing, entertainment, crafts, food and will include a Bocce tournament; and

WHEREAS, the Honorable Olivia Maggio, Mayor of Sambucca, Sicily, will be the guest of honor; and

WHEREAS, Chair Cynthia Borcherts announces that the year 2000 marks the 22nd anniversary of the Festa Italiana. The theme of the Festival is "The Year Of The Women;" and

WHEREAS, Festa Italiana will be held at Boylan Catholic High School grounds and the Sunday Mass will honor the Women of the Year; and

WHEREAS, August 4-6, 2000, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 4-6, 2000, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor July 28, 2000.

Filed by the Secretary of State August 7, 2000.

2000-347

WOMEN'S BUSINESS DEVELOPMENT DAY

WHEREAS, the Women's Business Development Center (WBDC) was founded in 1986 by Carol Dougal and Hedy Ratner, and since then more than 30,000 women business owners have used its programs and services; one-on-one counseling; workshops; entrepreneurial training; the Women's Business Finance Program; the Women's Business certification program; YouthBiz; and Child Care Initiatives; and

WHEREAS, WBOC is a nationally recognized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, there are now more than 9 million women-owned businesses in the U.S., employing more than 27.5 million workers with more than 350,000 of those businesses in Illinois. Minority-owned businesses are growing faster than all firms, and 1 in 8 women-owned firms in the U.S. is owned by a woman of color. Women-owned businesses nationally generate more than \$3 trillion in sales, an increase of 161 percent from 1987; and

WHEREAS, the WBOC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the Women's Business Development Center will hold its 14th Annual Entrepreneurial Women's Conference on September 7, 2000, at Chicago's Navy Pier; and

WHEREAS, this conference marks the continuation of the second decade of the WBOC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 7, 2000, as WOMEN'S BUSINESS DEVELOPMENT DAY in Illinois.

Issued by the Governor July 6, 2000.

Filed by the Secretary of State July 18, 2000.

2000-348

DONA DELIA ZAPATA OLIVELLA DAY

WHEREAS, Dona Delia Zapata Olivella has been one of the most important Colombian music and folklore researchers, historians and performers for the last 55 years; and

WHEREAS, Dona Delia Zapata Olivella has traveled throughout the world showcasing Colombian folk music dances for more than half a century, in many occasions on her own efforts and initiative, presenting the diverse music and dancing heritage of Colombia; and

WHEREAS, the Colombian people have honored Dona Delia Zapata Olivella for her tireless efforts to promote Colombia folklore as one of the many cultural facets of her country; and

WHEREAS, Dona Delia Zapata Olivella's Folk Dances will debut for the first time in Chicago, making this a historic event for the city and its Colombian community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 19, 2000, as DONA DELIA ZAPATA OLIVELLA DAY in Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

2000-349

PERU DAY

WHEREAS, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

WHEREAS, it is further recognition as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2000, as PERU DAY in Illinois in recognition of Peruvians and Peruvian-Americans who make significant contributions to the strength, diversity, and prosperity of Illinois and as friendly relations exist between Peru and Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

2000-350

RIVERS 2000 CELEBRATION DAYS

WHEREAS, the Prairie Rivers Network is spreading Illinois' participation in "Rivers 2000," a nation-wide effort to educate the public on the values of rivers; and

WHEREAS, Rivers 2000 stresses that forests, croplands, wetlands, and riparian areas are the building blocks of watersheds, and that public and private stewardship of these natural resources is the first step toward clean water and pollution prevention; and

WHEREAS, proper stewardship of this resource is necessary to ensure the continued natural, social, and economic health of Illinois; and

WHEREAS, public awareness and appreciation for rivers have contributed significantly to their protection and should be encouraged; and

WHEREAS, Illinois is looking forward to a future where healthy rivers support naturally functioning ecosystems, are safe for human consumption and recreation, contribute to sustainable local economies, and improve the quality of life for all Illinoisans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 7-11, 2000, as RIVERS 2000 CELEBRATION DAYS in Illinois.

Issued by the Governor July 11, 2000.

Filed by the Secretary of State July 18, 2000.

2000-351

CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, the proper education of today's youth is a concern of all Americans; and

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and

WHEREAS, for more than 22 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (I CCTSSO) have advanced the awareness of the importance of career and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (IFCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agriculture Student Organization (PAS), Phi Beta Lambda, (PBL), Illinois Association of SkillsUSA-VICA (SkillsUSA-VICA), and Technology Student

Association (TSA));

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim October 1-7, 2000, CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois.

Issued by the Governor July 12, 2000.

Filed by the Secretary of State July 18, 2000.

2000-352

GYMNASTICS DAY

WHEREAS, USA Gymnastics is celebrating National Gymnastics Day on August 12, 2000, to help bring attention to the positive physical fitness gymnastics fosters; and

WHEREAS, National Gymnastics Day exists to acknowledge the past and present champions from the United States; and

WHEREAS, the State of Illinois will be represented by individuals and gymnastics clubs at the U.S. Gymnastics Championships in St. Louis, July 25-29; and

WHEREAS, gymnastics helps develop coordination, flexibility and strength and is a way to increase young people's self-esteem and confidence -- qualities that benefit them throughout their lives; and

WHEREAS, gymnastics provides a strong foundation for fitness and helps develop skills that enhance performance in other sports, and is a fun way to keep fit; and

WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people, helping them all to become champions in life; and

WHEREAS, thousands of gymnastics clubs across the United States give people of all ages and abilities an exciting way to participate in sports; and

WHEREAS, USA Gymnastics is partnering with local clubs in Illinois and across the nation during National Gymnastics Day to support gymnastics in local communities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 12, 2000, as GYMNASTICS DAY in Illinois.

Issued by the Governor July 12, 2000.

Filed by the Secretary of State July 18, 2000.

2000-353

FRANK J. DEVLYN DAY

WHEREAS, Frank J. Devlyn, President of Rotary International, who resides with his wife, Gloria Rita, their three daughters and four grandchildren in the Country of Mexico; and

WHEREAS, his leadership covers the world in 162 countries and 1,170,904 Rotarians; and

WHEREAS, President Devlyn has returned to Illinois, the State of his father's birth and founding place of Rotary International; and

WHEREAS, International Rotarians have committed their service and other resources to immunize children throughout the world against Polio and other childhood diseases;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 25, 2000, as FRANK J. DEVLYN DAY in Illinois and congratulate him and the membership for the commitment to public service as expressed in the "Object of

Rotary."

Issued by the Governor July 21, 2000.

Filed by the Secretary of State July 28, 2000.

2000-354

SIGN LANGUAGE INTERPRETER AWARENESS MONTH

WHEREAS, there are about 986,648 deaf and hard of hearing people in Illinois; and

WHEREAS, statewide, interpreters provide hundreds of thousands of hours of interpreting service every year; and

WHEREAS, interpreting enables deaf and hard of hearing and hearing people to communicate effectively in a wide range of situations: hospitals, schools, businesses, government offices, courts, police departments, theaters, museums, parks and many other settings; and

WHEREAS, the need to create an awareness of the interpreting profession is imperative because the need for qualified interpreters exceeds the supply;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim August 2000 as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.

Issued by the Governor July 21, 2000.

Filed by the Secretary of State July 28, 2000.

2000-355

KIDCARE MONTH

WHEREAS, uninsured children are four times more likely than insured children to have necessary medical care delayed and uninsured children are five times more likely than insured children to use the emergency room as a regular source of care; and

WHEREAS, it is less costly to prevent an illness than to treat one; and

WHEREAS, the children of working families in Illinois deserve access to health care; and

WHEREAS KidCare has extended coverage for over 109,000 Illinois children; and

WHEREAS KidCare has partnered with over 790 health care and community providers to help insure families throughout the State; and

WHEREAS, healthy children are more likely to reach their academic potential; and

WHEREAS, in August of 1997, Congress passed the Balanced Budget Amendment committing more than \$24 billion over a five-year period to the states to create their own children's health insurance program, and the State of Illinois created KidCare for approximately 190,000 eligible uninsured children in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as KIDCARE MONTH in Illinois and urge all citizens to be cognizant of the importance of health insurance for children to prevent and treat illness in a timely, responsible manner so that our children are healthy enough to participate fully in life and have greater potential to grow into healthy adults.

Issued by the Governor July 24, 2000.

Filed by the Secretary of State July 28, 2000.

2000-356

ROUTE 29 DAY

WHEREAS, Project 29, Inc. was founded in January of 1993 after the death of 29 year old Melody Traubner of Taylorville, who was killed in December of 1992 on an icy path of the two-lane roadway just outside of Taylorville; and

WHEREAS, Project 29, Inc. advocates for the improvement of roads; and lanes for the health, safety and welfare of all who travel the road; and

WHEREAS, on Saturday, July 29, Project 29 will hold its first-ever "Safety Expo" near downtown Taylorville to recognize the men and women in law enforcement, the fire service and emergency services who have served the victims of those involved in traffic accidents along Route 29 and to promote traffic safety;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 29, 2000, as ROUTE 29 DAY in Illinois.

Issued by the Governor July 26, 2000.

Filed by the Secretary of State July 28, 2000.

2000-357

CHILDREN'S CULTURE, HEALTH AND SAFETY DAY

WHEREAS, the Moraine Valley Community College Foundation was established in 1982 to assist the College in meeting the ever-expanding need of the southwest suburbs; and

WHEREAS, the purposes for which the Moraine Valley Community College Foundation was organized are to benefit and promote the charitable, scholastic, educational, literacy, athletic, benevolent, civic, research, and scientific functions of the College; and

WHEREAS, the Moraine Valley Community College Foundation Board of Directors is comprised of 30 members and, along with its staff, is dedicated to the educational and cultural betterment of the community; and

WHEREAS, the Moraine Valley Community College Foundation recognizes that introducing children to the educational, cultural, and health-related opportunities available at the College will help them develop into productive and well-rounded members of the community; and

WHEREAS, a healthy childhood and promising adulthood are predicated on deeply-rooted, positive lifestyles learned through interactive education; and

WHEREAS, the Moraine Valley Community College Foundation believes in promoting good health and safety for children by providing the community with comprehensive information; and

WHEREAS, Senators Patrick J. O'Malley and Louis S. Vivierito have joined with the Board of Directors on the Moraine Valley Community College in urging the public to participate on September 30, 2000, in "Children's Culture, Health and Safety Day" in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 30, 2000, as CHILDREN'S CULTURE, HEALTH AND SAFETY DAY in Illinois.

Issued by the Governor July 13, 2000.

Filed by the Secretary of State August 7, 2000.

2000-358

CHILDREN'S VISION AND LEARNING MONTH

WHEREAS, The Schwaben Verein was founded in Chicago, Illinois, in 1878; and

WHEREAS, the President George Boehm announces the Blasorchester Musikverein Stuttgart-Hofen 1905 e. V., from the Schwaben area of Germany, will play traditional German music; and

WHEREAS, the Schwaben Fest promotes German heritage and culture and donates the proceeds to several charities; and

WHEREAS, there will be special programs, entertainment and soccer games for children; and

WHEREAS, singers and dancers from Illinois German Clubs will perform at the Schwaben Fest; and

WHEREAS, The Schwaben Verein will hold its 123rd annual Schwaben Fest, named Camstatter Volksfest, on August 19-20, 2000, at the Schwaben Center in Buffalo Grove, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19-20, 2000, as SCHWABEN FEST DAYS in Illinois.

Issued by the Governor July 13, 2000.

Filed by the Secretary of State August 7, 2000.

2000-360

SOUTH CENTRAL COMMUNITY SERVICES, INC. DAY

WHEREAS, South Central Community Services, Inc., a comprehensive human services agency, is celebrating its Fourth Annual "For The Love Of Kids" Gala Awards Dinner; and

WHEREAS, this Agency has for the last 30 years served as a catalyst for the provision of quality mental health, educational, socio-economic, and recreational programs and services for the improvement of the quality of life for individuals and families in the cities of Chicago and Joliet; and

WHEREAS, this Agency, via visionary leadership and dedicated staff, has continuously earned accreditation by the North Central Association of Colleges

WHEREAS, promoting the education of children concurrently supports the development of each child's human potential, societal productivity and personal pursuit of happiness; and

WHEREAS, vision plays a major role in the learning process because the ability to learn is largely dependent upon visual learning pathways; and

WHEREAS, 80 percent of the learning that takes place in the educational environment is dependent upon vision; and

WHEREAS, the American Foundation for Vision Awareness (AFVA) serves the nation and its children by providing vision-related educational programs and materials to librarians, school and public nurses, public service agencies and educators. The AFVA also funds research for grants and scholarships; and

WHEREAS, the American Foundation for Vision Awareness is dedicated to increasing public awareness and the importance of vision care and crucial relationship between vision and learning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2000 as CHILDREN'S VISION AND LEARNING MONTH in Illinois.

Issued by the Governor July 13, 2000.

Filed by the Secretary of State August 7, 2000.

2000-359

SCHWABEN FEST DAYS

6 Schools (NCA) and by the Council on Accreditation (COA), and has responded fastidiously to the growth and development of children and youth, thereby creating an atmosphere of hope for them to be all that they can be;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 5, 2000, as SOUTH CENTRAL COMMUNITY SERVICES, INC. DAY in Illinois.

Issued by the Governor July 13, 2000.

Filed by the Secretary of State August 7, 2000.

2000-361

CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce work with Illinois businesses, merchants, and industry to advance the civic, economic, industrial, professional, and cultural life of our State; and

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 162 years, since the Galena Chamber of Commerce was founded in 1838; and

WHEREAS, this year marks the 81st anniversary of the founding of the Illinois State Chamber of Commerce, the State's leading broad-based business organization; and

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, schools, and the business community; and

WHEREAS, this year marks the 85th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for chamber of commerce professionals; and

WHEREAS, Illinois is the home to international chambers of commerce, the Midwestern Service Center of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 350 local chambers of commerce;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2000, as CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor July 14, 2000.

Filed by the Secretary of State August 7, 2000.

2000-362

DECATUR LIBRARY DAY

WHEREAS, the Decatur Library has been a landmark in Decatur since 1875. Throughout the past 125 years, the library has evolved into a true community asset; and

WHEREAS, in recognition of this milestone, a series of events and activities will be hosted by the library beginning in April; and

WHEREAS, the library's 125th Anniversary Celebration kicks off with a musical performance highlighting Millikin University staff and students on April 30, at the Decatur Public Library; and

WHEREAS, other 125th Anniversary events include an art display by Preston Jackson, a quilt dedication by the Quilters Guild, first-person interpretations of historical library figures, and noted featured speakers; and

WHEREAS on Thursday, August 10, 2000, the Decatur Public Library will celebrate 125 years of service to the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

August 10, 2000, as DECATUR LIBRARY DAY in Illinois.

Issued by the Governor July 14, 2000.

Filed by the Secretary of State August 7, 2000.

2000-363

DONALD SAGE DAY

WHEREAS, Donald Sage has led both the York Community High School Boys Cross Country and Track Teams to State Championship titles this year; and

WHEREAS, Donald Sage, individual State champion in cross-country, placed first in both the 3,200 meters and 1,600 meters at the State track meet in Charleston on May 27th, marking the first time in history a Class AA runner has won the distance double back-to-back, setting a new national and State record in the 3,200 and a new school record in the 1,600; and

WHEREAS, Donald Sage anchored York's 3,200 relay team to national indoor and outdoor records this season; and

WHEREAS, Donald Sage was recently named by the Chicago Sun-Times as "Male Athlete of the Year," and proclaimed one of the finest distance runners this State has ever produced; and

WHEREAS, Donald Sage was the only high school athlete invited to attend this year's prestigious Prefontaine Classic in Eugene, Oregon, on June 24th, posting his best performance to date in the mile with a time of 4:00.29, and becoming the fastest distance runner in the history of the State of Illinois to run the mile; and

WHEREAS, Donald Sage, an excellent student, role model and athlete, will continue to enjoy great success both in the classroom and on the field at Stanford University this fall;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 24, 2000, as DONALD SAGE DAY in Illinois.

Issued by the Governor July 14, 2000.

Filed by the Secretary of State August 7, 2000.

2000-364

BETHALTO LOG CABIN DAY

WHEREAS, on March 30, 1998, a fire at 424 Fourth Street in Bethalto, Illinois, revealed a perfectly protected mid-1800s log cabin; and

WHEREAS, this rare event was hailed by Illinois Historic Preservation Agency officials as a glimpse into the dwellings of Illinois' first settlers; and

WHEREAS, the owners of the historic structure allowed the log cabin to be moved to a new location and graciously offered the cabin to the Village of Bethalto; and

WHEREAS, the Mayor of Bethalto, School Superintendent, and members of the Bethalto Rotary Club challenged students in Bethalto's public and private schools to raise 1,000,000 pennies to help in the restoration of the log cabin; and

WHEREAS, a majority of the 3,000 students in Bethalto's public and private schools embraced the challenge; and

WHEREAS, the community fundraising campaign exceeded its goal in only three weeks by raising 1,310,000 pennies, or \$13,100; and

WHEREAS, volunteers from a local business worked overtime to count the pennies that were raised and to log the funds into a special account that was

presented to village officials; and

WHEREAS, the 150-year-old Bethalto Log Cabin has been restored and "stands as a symbol of Bethalto's pioneer past and the resourcefulness of Bethalto's youth";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 22, 2000, as BETHALTO LOG CABIN DAY in Illinois.

Issued by the Governor July 17, 2000.

Filed by the Secretary of State August 7, 2000.

2000-365

EMERGENCY NURSES DAYS

WHEREAS, the Emergency Nurses Association is a national professional organization of nurses committed to emergency care, who have specialized skills and knowledge related to emergency nursing; and

WHEREAS, the Emergency Nurses Association establishes standards of excellence for the practice of emergency nursing; and

WHEREAS, the Emergency Nurses Association provides leadership in identifying and addressing issues affecting emergency nursing; and

WHEREAS, the Emergency Nurses Association recognizes the importance of continuing education in emergency nursing practice and research that professional nurses need to maintain the high level of health care they deliver; and

WHEREAS, Illinois joins the rest of the nation in recognizing the value of professional nurses in practice in the presence of the nursing shortage; and

WHEREAS, the Emergency Nurses Association will be holding its 30th annual meeting in Chicago at Navy Pier on September 22-24, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, September 22-24, 2000, as EMERGENCY NURSES DAYS in Illinois.

Issued by the Governor July 17, 2000.

Filed by the Secretary of State August 7, 2000.

2000-366

GOLD STAR MOTHER DAY

WHEREAS, the American Gold Star Mothers, Inc. is an organization of mothers whose sons or daughters served and died so that this world might be a better place in which to live; and

WHEREAS, on May 28, 1918, President Wilson approved a suggestion made by the Women's Committee of the Council of National Defense that, instead of wearing conventional mourning for relatives who have died in the service of their country, American women should wear a black band on the left arm with a gilt star on the band of each member of the family who has given his life for the nation; and

WHEREAS, American Gold Star Mothers was incorporated in Washington, DC, and granted a Federal Charter by the Ninety-Eighth Congress. That was in 1929, and in the years since, through times of war and times of peace, this organization of American mothers has changed, grown, and always been there when needed; and

WHEREAS, as the war progressed and men were killed in combat and others who were wounded and died of their wounds or disease, there came about the accepted usage of the Gold Star; and

WHEREAS, American Gold Star Mothers, Inc. is registered in the United States

Patent Office, Legislative Branch of the United States Congressional Library

and the United States World Book Almanac; and

WHEREAS, the American mother is doing so much for the home and for the moral and spiritual uplift of the people of Illinois and hence so much for the good of government and humanity that for the first time in Illinois on September 24, 2000, the Illinois Department of Veterans Affairs will observe Gold Star Mothers Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 24, 2000, as GOLD STAR MOTHER DAY in Illinois.

Issued by the Governor July 17, 2000.

Filed by the Secretary of State August 7, 2000.

2000-367

HELP CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, the Illinois State Council of the Knights of Columbus will celebrate and conduct the 31st annual fund drive for their Developmental Disabilities Program. This 31st Anniversary Drive will be held September 15-16 to benefit our citizens with developmental disabilities. Last fall, the Knights of Columbus raised more than \$1.6 million, which was distributed to more than 300 organizations throughout Illinois; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to allow youngsters to participate in the local and statewide Special Olympics program; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided more than \$5 million to build or reconstruct 34 homes for citizens with developmental disabilities in all six Diocese in Illinois; and

WHEREAS, since the Illinois State Council of the Knights of Columbus initiated this program, 45 other states have activated similar campaigns to provide much needed financial assistance for the developmentally disabled;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-16, 2000, as HELP CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois.

Issued by the Governor July 17, 2000.

Filed by the Secretary of State August 7, 2000.

2000-368

ETHNIC MEDIA DAY

WHEREAS, the ethnic media of Illinois have a long and proud tradition in the State; and

WHEREAS, the influence of Illinois' ethnic media has been invaluable in providing information about current events and other pertinent issues directly to the communities they serve; and

WHEREAS, the many ethnic programs and publications available to the public provide an invaluable service by recording the cultures, traditions, language and heritage of individual ethnic groups; and

WHEREAS, the ethnic media have worked diligently to maintain their programs and publications, often relying on limited resources and staff; and

WHEREAS, the ethnic media of Illinois should be commended for their dedication to providing services that have a positive impact on a number of cultures; and

WHEREAS, the Governor's Office of Ethnic Media is hosting a reception in

honor of Ethnic Media Day at the James R. Thompson Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 26, 2000, as ETHNIC MEDIA DAY in Illinois.

Issued by the Governor July 18, 2000.

Filed by the Secretary of State August 7, 2000.

2000-369

FLORENCE CHAMBLISS DAY

WHEREAS, Mrs. Florence (Cross) Chambliss is a life-long resident of Pulaski County. She was born August 6, 1900, in Village Ridge, Illinois, to the late Mildred (Owens) and Andrew Cross. Both parents were born in Pulaski County in the 1860's; and

WHEREAS, Mrs. Chambliss married Hugo Chambliss of Mounds, Illinois, in 1940 and they resided in Mounds until his death in 1976; and

WHEREAS, in 1976 Mrs. Chambliss moved back to Villa Ridge, where she currently resides. Mrs. Chambliss was a businesswoman who worked in her husband's real estate company; and

WHEREAS, Mrs. Chambliss was active in civic, fraternal, political, and educational activities. She is a member of St. Paul African Methodist Episcopal Church in Mounds where she has held many offices. Her life is defined by her philanthropic practices to family, community, and many national organizations; and

WHEREAS, Mrs. Chambliss is a joy to all she meets. She enjoys sharing her exercise regimen and demonstrating how she does her daily 400 plus leg lifts. She also loves all sports (especially the St. Louis Cardinals); and

WHEREAS, her knowledge of the history of Southern Illinois and growing up in the early 1900's is immense. Her family never tires of hearing her tell about the days before cars, electricity, and running water. She reads constantly as she has subscriptions to many magazines and newspapers. She can discuss almost any topic from the stock market to politics and from Hollywood to our nation's Capitol; and

WHEREAS, her devoted nieces and nephews are hosting a birthday celebration on Saturday, August 6, 2000, in Mounds, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 6, 2000, as FLORENCE CHAMBLISS DAY in Illinois.

Issued by the Governor July 18, 2000.

Filed by the Secretary of State August 7, 2000.

2000-370

MANNY WEINCORD DAY

WHEREAS, Manny Weincord served as assistant coach at Roosevelt High School for five years before becoming the school's basketball and soccer coach, a position he has held for the past 31 years; and

WHEREAS, he also serves as the dean of the Chicago Public League basketball coaches; and

WHEREAS, although Manny is an admirable coach, his greatest asset is the love and compassion he has for his student athletes and his success in directing them toward a college education; and

WHEREAS, Manny will be honored at a retirement dinner Wednesday, September 6, 2000, in Villa Olivia, Bartlett, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6, 2000, MANNY WEINCORD DAY in Illinois.

Issued by the Governor July 18, 2000.

Filed by the Secretary of State August 7, 2000.

2000-371

DRUG-FREE YOUTH DAYS

WHEREAS, the Illinois Drug Education Alliance feels strongly - "it is better to build children than to repair men and women"; and

WHEREAS, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco, and other drug problems before they start and provides hope effecting individual and community change to support healthy behaviors; and

WHEREAS, more than 1,100 Illinois young people, dedicated to the "Drug-Free" lifestyle, will participate in two days of drug prevention education and leadership training. These young people will carry the "Drug-Free" message back to their schools and communities, and become role-models to their peers; and

WHEREAS, educators, parents, volunteers, and other adults will attend and participate in the 18th Annual Illinois Drug Education Alliance Conference. These adults will train, encourage, and support young people in their choice of the "Drug-Free" lifestyle; and

WHEREAS, the Illinois Drug Education Alliance stands firmly with the Illinois Department of Human Services, Division of Community Health and Prevention and all of its supporting agencies - Office of the Lieutenant Governor, Office of the Attorney General, Office of the Secretary of State, Office of the Treasurer, Illinois Department of Transportation, Division of Public Safety, Illinois State Board of Education, Illinois National Guard, Drug Enforcement Administration, U.S. Customs Service, University of Illinois Extension, Students Against Destructive Decisions, Operation Snowball, Inc., Illinois Elks Association. Alliance Against Intoxicated Motorists and Illinois Principals Association - and with many other State and national organizations that encourage the promotion of sound drug prevention programs; and

WHEREAS, the Illinois Drug Education Alliance (IDEA) is presenting its 18th Annual Drug Prevention Conference, "Celebrating Drug-Free Youth", on Sunday, November 19 and Monday, November 20 in Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 19-20, 2000, as DRUG-FREE YOUTH DAYS in Illinois.

Issued by the Governor July 27, 2000.

Filed by the Secretary of State August 7, 2000.

2000-372

EDDY FLUTE CHOIR DAYS

WHEREAS, the Eddy Flute Choir is a not-for-profit organization, established in 1985 to provide challenges and performing opportunities for young musicians representing a variety of central Illinois communities; and

WHEREAS, the Eddy Flute Choir has touched many lives through their music over the years; including area school children, seniors, arts groups, churches and people with disabilities; and

WHEREAS, the choir has worked on many projects to help raise funds for their

members to travel on their tour and also established music camp scholarships with their funds; and

WHEREAS, the Eddy Flute Choir will embark on an Alpine Tour from August 4-12 that will mark the 15th year of service to the Springfield community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 4-12, 2000, as EDDY FLUTE CHOIR DAYS in Illinois.

Issued by the Governor July 27, 2000.

Filed by the Secretary of State August 7, 2000.

2000-373

CHURCHES OF CHRIST WEEK

WHEREAS, Churches of Christ are located worldwide and have almost three million members; and

WHEREAS, through the efforts of the Churches of Christ, residents of Illinois have been offered uplifting messages and spiritual guidance; and

WHEREAS, Churches of Christ have sponsored disaster relief drives, community youth activities, and programs dealing with issues like literacy, child abuse and clothing the needy; and

WHEREAS, Churches of Christ also offer Christian education, prison reform programs, gang prevention programs and healthcare;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 20-25, 2000, as CHURCHES OF CHRIST WEEK in Illinois.

Issued by the Governor July 28, 2000.

Filed by the Secretary of State August 7, 2000.

2000-374

SOCIAL SECURITY DAY

WHEREAS, more than 1 million Illinois citizens are receiving more than \$960 million dollars in monthly retirement benefits as a result of their individual lifetime's earnings covered by the Social Security Act of 1935; and

WHEREAS, 300,000 Illinois surviving spouses and children of deceased workers are receiving more than \$200 million dollars in monthly survivor's benefits as a result of amendments to the Social Security Act in 1939; and

WHEREAS, another 225,000 Illinois disabled workers and their families are receiving about \$140 million dollars in benefits each month as a result of the amendments of 1956 and 1958 which added disability benefits to the Social Security Act; and

WHEREAS, Social Security has reduced poverty among our nation's elderly, serving as a primary source of retirement income for more than 50 percent of our seniors, whose population will more than double by the year 2030; and

WHEREAS, the State of Illinois recognizes the importance of today's workers and their employers, whose taxes provide for today's beneficiaries, recognizes the value of Social Security's annual adjustment for inflation, and appreciates the option the Social Security Act gives seniors to take a reduced benefit as early as age 62 or to wait for a full benefit at full retirement age; and

WHEREAS, this nation's Social Security program has become a vital thread in the fabric of American life by providing a financial foundation, growing and responding to the changing needs and desires of new generations just as it has with earlier generations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

August 14, 2000, as SOCIAL SECURITY DAY in Illinois.

Issued by the Governor July 28, 2000.

Filed by the Secretary of State August 7, 2000.

2000-375

SHIP WEEK

and WHEREAS, aging and disabled populations are growing dramatically each year;

and WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the Illinois Insurance Department's efforts to educate and assist Medicare beneficiaries; and

WHEREAS, more than 800 volunteers have contributed nearly 130,000 hours to assist 9,000 clients, thereby saving Illinois citizens an excess of \$4.6 million;

WHEREAS, the SHIP volunteers who contribute both their time and talents to better the lives of Illinois' Medicare beneficiaries are valuable citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11-15, 2000, as SHIP WEEK in Illinois.

Issued by the Governor July 31, 2000.

Filed by the Secretary of State August 7, 2000.

2000-376

SCHOOL'S OPEN SAFETY WEEK

WHEREAS, children all across the State are beginning a new school year; and

WHEREAS, youngsters will be found walking to school in neighborhoods on sidewalks and streets; and

WHEREAS, students will be found approaching or waiting at school bus stops and boarding or alighting from those vehicles; and

WHEREAS, AAA School Safety Patrol members in bright orange patrol belts will be on duty guiding their fellow students as they cross busy intersections near schools; and

WHEREAS, members of the AAA School Safety Patrol will be safeguarding students as they arrive in school buses and private vehicles; and

WHEREAS, members of the AAA School Safety Patrol perform a valuable community service every day of the school year in a responsible, effective manner; and

WHEREAS, the leading cause of death and injury among youngsters through age 14 is motor vehicle crashes; and

WHEREAS, motorists can help protect children by being especially careful near schools and in residential areas, watching their speed, observing traffic control devices and obeying the school crossing guards; and

WHEREAS, motorists must be alert for children at school crossings, must review and follow the rules of the road as they apply to school zones and school buses, and respect AAA School Safety Patrol members performing their duties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 21-27, 2000, as SCHOOL'S OPEN SAFETY WEEK in Illinois.

Issued by the Governor August 1, 2000.

Filed by the Secretary of State August 7, 2000.

2000-377

THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY

WHEREAS, since 1929, the annual Chicago Defender Charities' Bud Billiken Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and

WHEREAS, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with youth; and

WHEREAS, this year's Bud Billiken Parade marks the 71st year of this noteworthy, neighborly celebration; and

WHEREAS, the Bud Billiken Parade and Picnic has been one of the most distinguished and outstanding events in Illinois, worthy of the wholehearted support of all citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 12, 2000, as THE CHICAGO DEFENDER CHARITIES' BUD BILLIKEN DAY in Illinois.

Issued by the Governor August 1, 2000.

Filed by the Secretary of State August 7, 2000.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 8, 2000 through August 14, 2000 and have been scheduled for review by the Committee at its September 19, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice Meeting
9/21/00	Department of Public Health, Community Living Facilities Code (77 Ill Adm Code 370)	3/17/00 24 Ill Reg 4088
9/21/00	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	3/24/00 24 Ill Reg 4843
9/22/00	Department of Lottery, Lottery (General) (11 Ill Adm Code 1770)	6/23/00 24 Ill Reg 8477
9/22/00	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	3/24/00 24 Ill Reg 4864
9/23/00	Department of Public Health, Illinois Home Health Agency Code (77 Ill Adm Code 245)	3/17/00 24 Ill Reg 4119
9/23/00	Department of Public Health, Hospital Licensing Requirements (77 Ill Adm Code 250)	3/17/00 24 Ill Reg 4102
9/23/00	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	3/24/00 24 Ill Reg 4889
9/23/00	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	3/17/00 24 Ill Reg 4131

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

9/23/00	Department of Public Health, Intermediate Care for Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	3/24/00 24 Ill Reg 4816	9/19/00
9/27/00	Department of Insurance, Mortgage Guaranty Insurance (50 Ill Adm Code 202)	5/19/00 24 Ill Reg 7457	9/19/00

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jhalale@ccgate.sos.state.il.us on the Internet.

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